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ABSTRACT

Program development rules and regulations for Texas state colleges and universities are presented, including criteria for approval for new degrees at the baccalaureate, master's, and doctoral levels. Attention is also directed to: request for new academic degree programs and administrative changes; approval of less-than-baccalaureate programs in senior institutions; approval of off-campus and out-of-district instruction for public colleges and universities; approval of academic courses for state appropriations to public community colleges; open-circuit television courses offered for credit by public higher education institutions; private degree-granting institutions operating in Texas; operation of off-campus educational units of public senior colleges and universities; approval and operation of community/junior college branch campuses; guidelines on approval of course inventories for public senior institutions; and offering small classes by public senior colleges and universities. In addition, information is presented on grants for community service programs, uniform grade-point calculation for graduate and professional schools, and transfer curricula for public junior/community colleges. Degree terminology is also included. (SW)

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of the
COORDINATING BOARD
TEXAS COLLEGE AND UNIVERSITY SYSTEM

CHAPTER 5
PROGRAM DEVELOPMENT

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Revised 9/1/81

CHAPTER 5

PROGRAM DEVELOPMENT

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Chapter 5 PROGRAM DEVELOPMENT

Subchapter A. GENERAL PROVISIONS

Section
5.1. Degree Terminology.
5.2. Grants for Community Service Programs.
5.3. Uniform Grade-Point Calculation for Graduate and Professional Schools.
5.4 Transfer Curricula for Public Junior/Community Colleges.

5.1. Degree Terminology.

(a) The Associate in Science degree and the Associate in Arts degree are collegiate degrees related to the baccalaureate degrees in science and arts.

(b) The Associate in Applied Science degree and the Associate in Applied Arts degree are technical certificates issued to students who complete occupational curriculums of collegiate level and character.

(c) The term "Applied" in an associate degree name is the distinguishing characteristic of the technical certificate of collegiate rank.

(d) The Bachelor of General Studies degree is applied to undergraduate programs which are designed principally to admit mature students who seek a flexible degree program and who do not desire or may not meet prerequisites of a highly structured traditional degree program, and to permit students to plan, with advisement, an individualized program with access to a wide range of academic disciplines and fields of professional study.

(e) The Master of Arts in Interdisciplinary Studies degree and the Master of Science in Interdisciplinary Studies degree are broad interdisciplinary graduate programs designed primarily for the mature student.

(f) The Bachelor of Science in Criminal Justice degree and the Bachelor of Arts in Criminal Justice degree are baccalaureate degrees in criminal justice/law enforcement, and the major or areas of concentration will be separately named in each degree at the baccalaureate level, such as Bachelor of Science in Criminal Justice degree with major in Corrections. Those institutions with existing, previously approved baccalaureate degrees under another name on July 18, 1975, are encouraged but not required to adopt the new terminology.

(g) The Bachelor of Applied Arts and Sciences degree is a program for students who have completed a technical or vocational specialization. The degree program will complete institutional general

education requirements and a professional component to add to the student's technical or vocational competence.

(h) Interdisciplinary baccalaureate degrees include the Bachelor of General Studies degree (defined in subsection (d) of this section) and such general degrees as liberal arts or humanities. These broad-based degrees vary in the amount of prescriptive structure but share the characteristics of flexibility for the student and interdisciplinarity of course selection.

(i) Graduate interdisciplinary degrees include the Master of Arts in Interdisciplinary Studies degree and the Master of Science in Interdisciplinary Studies degree (defined in subsection (e) of this section) and other master's and doctoral degrees, such as humanities, which provide flexibility in degree planning for the graduate student.

5.2. Grants for Community Service Programs.

(a) The awarding of grants for community service, continuing education, and resource materials sharing programs available under Title IA of the Higher Education Act of 1965 shall be governed by the provisions of the Texas State Plan for Community Service, Continuing Education, and Resource Materials Sharing Programs. Copies are available in the Coordinating Board offices, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

(b) The Commissioner of Higher Education, in consultation with the Community Service and Continuing Education Advisory Committee and its subcommittees, may extend the grant period of projects or, near the termination date of a project, transfer unexpended funds to other projects approved in the same fiscal year.

5.3. Uniform Grade-Point Calculation for Graduate and Professional Schools.

Procedures for calculating the grade-point average for students seeking admission to a graduate or post-baccalaureate professional school of an institution of higher education will be as follows:

(1) Only official transcripts from accredited institutions of higher education shall be accepted by the graduate and professional schools of an institution of higher education for evaluation and grade-point calculation.

(2) All academic work undertaken and grades or symbols assigned at each institution shall be reflected on the student's official transcript(s). No student's grade may be expunged from his or her record.

(3) All grades assigned for academic course work will be used in calculating the grade-point average, except that only the final grade will be included for courses which have been repeated.

(4) A four-point scale will be used in computing the grade-point average (e.g.: A, 4 points per semester hour; B, 3.0; C, 2.0; D, 1.0; F, 0.0).

(5) A grade or symbol indicating failure (i.s.: F, WF, NC, or in a pass/fail system, FL equals F) will count as hours undertaken, but no grade points will be earned.

(6) Excluded from the grade-point average will be any credit by examination: CR; Quit (Q); Withdrew (W); Withdrew Passing (WP); Incomplete (I or X); and a pass grade within a pass/fail system.

(7) The grade-point average will be computed by multiplying each grade point (see paragraphs (4) and (5) of this section) by the semester or quarter credit hours earned per course and totaling the products. The semester or quarter hours of courses undertaken will then be totalled. The total of the products will be divided by the total semester or quarter hours. The result is to be calculated to the hundredth place, giving the official cumulative grade-point average.

(8) Academic work at foreign colleges, universities, or preparatory schools shall be excluded from the calculation. In such cases, the grade-point average and credit shall be evaluated and computed as determined by the graduate or professional school to which the student is applying.

5.4. Transfer Curricula for Public Junior/Community Colleges.

The transfer curricula for public junior/community colleges shall be as prescribed by the current issue of the Coordinating Board's guide to transfer curricula and transfer of credit.

Subchapter B. CRITERIA FOR APPROVAL OF NEW BACCALAUREATE DEGREE PROGRAMS

Section
5.21. Role and Scope.
5.22. Unnecessary Duplication.
5.23. Faculty Resources.
5.24. Library Resources.
5.25. Physical Facilities.
5.26. Administration of the Program.
5.27. Demonstrated Need.
5.28. Complement Existing Programs.
5.29. Suitable Financing.

5.21. Role and Scope.

The program must be within the role and scope of the institution. The role and scope of each institution is established by the Coordinating Board, but these are flexible and subject to modification upon demonstration of good cause. Certain baccalaureate programs are common to the role and scope of undergraduate liberal arts institutions. On the other hand, professional programs such as nursing, medical technology, engineering, veterinary medicine, architecture, and optometry are not within the role and scope of such colleges, and approval of programs in these fields might necessitate a change or modification in the role and scope of the institution. Such a change or modification would require a decision concerning the long-range goals of the institution.

5.22. Unnecessary Duplication.

The program should not be unnecessarily duplicative of those at other institutions. The offering of basic liberal arts and sciences courses and degree programs in the public senior institutions should not be considered unnecessary duplication within the statutory prohibition contained in the Higher Education Act of 1965. On the other hand, specialized professional and technical programs should be offered only in selected institutions which are well-staffed and equipped to provide graduates to meet manpower needs.

5.23. Faculty Resources.

Faculty resources must be adequate for a high quality program. With certain exceptions, the master's degree should be the minimum educational attainment for faculty at senior institutions. In most disciplines, the doctorate is the terminal degree. While there is no guarantee that doctoral faculty members provide the best instruction, it is accepted that the doctoral or terminal degree is a qualitative factor in assessing faculty strength. Indeed, tenure, promotion, and salary

are in most cases directly dependent upon attaining the terminal degree. Criteria for numbers of terminal degree holders shall meet the minimums of the appropriate national, regional, or professional accrediting associations.

5.24. Library Resources.

Library resources must be adequate for the program and meet the standards of the appropriate accrediting agencies. Qualitative and quantitative factors of library resources in relation to a proposed program must be considered. In determining whether standards have been met, microform books, monographs, and other such material, as well as bound volumes, should be taken into consideration. Collections of periodicals and subscriptions to periodicals shall be sufficient in number, depth, and quality for the degree program contemplated. Factors to be considered in evaluating the adequacy and relevance of library holdings include the number of faculty, number of students, number of honors programs, number of differentiated areas of concentration on baccalaureate, master's and doctoral degree levels.

5.25. Physical Facilities.

Physical facilities should be adequate to initiate the program. Adequate classroom and laboratory space, equipment, and office space should be available for the proposed program. Classrooms should have adequate lighting, temperature controls, and freedom from outside distraction. If laboratories are required for the program, they should be designed to provide maximum utilization of facilities and equipment. There should be assurance of adequate models, supplies, utensils, experimental animals, and other materials for the program.

5.26. Administration of the Program.

Administration of the program should not be unduly cumbersome or costly. Ideally, the program should fit into the current administrative structure of the institution. If administrative changes are required, they should be consonant with the organization of the institution as a whole and should necessitate a minimum of additional expense in terms of personnel and office space.

5.27. Demonstrated Need.

There should be a demonstrated or well-documented need for the program in terms of meeting present and future manpower needs of the state and nation. One of the missions of state-supported higher education is to assist in meeting the manpower needs of the state and nation. There should be a ready job market for graduates of the program, or alternatively, it should produce students for master's and doctoral level programs in fields in which professional manpower is needed or projected.

Demand for graduates of the program should be evaluated on the basis of the best information available from industry, education, government, and other potential employers. Supply and demand of public school teachers is an important factor in this consideration.

5.28. Complement Existing Programs.

The program should complement and strengthen existing programs at the institution. Existing programs can be strengthened and enriched when appropriate new courses and degree programs are added to the curriculum. It is preferable that a proposed program be based on existing strengths of the institution rather than be composed entirely of new courses. An interdependence among degree programs helps to strengthen and broaden the educational base of the institution.

5.29. Suitable Financing.

There should be suitable financing available to initiate the program, and the program should have growth potential to generate adequate funding within three years. Suitable financing for initiating the program should be made available without reducing funds for existing programs or weakening them in any way. Unless, in certain isolated instances, an institution is meeting unique manpower requirements, the state can ill afford programs which do not generate sufficient semester credit hours under funding formulas to pay faculty salaries, departmental operating costs, and instructional administration costs for the program. Three years should be sufficient time for the program to meet these costs through semester credit hour production. If the state funding formulas are not meeting these costs for the program after three years, the institution and the Coordinating Board should review the program with a view to discontinuance.

Subchapter C. CRITERIA FOR APPROVAL OF NEW MASTER'S DEGREE PROGRAMS

Section
5.41. Role and Scope.
5.42. Demonstrated Competence at the Baccalaureate Level.
5.43. Faculty Resources.
5.44. Critical Mass of Qualified Students.
5.45. Unnecessary Strictures.
5.46. Specific Steps for Implementation.
5.47. Administration of the Program.
5.48. Existing Programs.
5.49. Library Resources.

5.41. Role and Scope.

The program must be within the role and scope of the institution.

5.42. Demonstrated Competence at the Baccalaureate Level.

In most instances, the program should be based upon demonstrated competence at the baccalaureate level. There are some graduate programs in universities and medical schools which do not require undergraduate baccalaureate majors in the field, and new institutions in process of being established, may be considered as exceptions. Graduate programs should be built upon strong baccalaureate programs which can support the graduate programs through basic library holdings, faculty resources, and appropriate research facilities and funds.

5.43. Faculty Resources.

Faculty resources for the master's level program should meet the qualitative and quantitative criteria of the Southern Association of Colleges and Schools, the Council of Graduate Schools, the Association of Graduate Schools, and the appropriate accrediting body, if a professional program.

5.44. Critical Mass of Qualified Students.

A critical mass of qualified students must be available to enter the program. To initiate a new graduate program, enough students should be immediately or potentially available to generate adequate state funding through the formula system within a reasonable length of time, usually three to five years.

5.45. Unnecessary Strictures.

The proposed degree program must be free of unnecessary strictures

yet have stringent requirements which promote effective academic attainment. Graduate programs that have unusually restrictive prerequisites are often underpopulated and cause a heavy strain upon the resources of the institution. Such programs cannot contribute to the free and open availability of graduate education.

5.46. Specific Steps for Implementation.

A new master's program should have a full commitment for excellence from the faculty, administration, and governing board. The prestige value of graduate programs tempts those who seek to install them. While the prestige factor is legitimate, it cannot of itself justify the approval or existence of any graduate programs. The program must be justified on some other basis. The following specific steps must be taken:

(1) approval of the program by the governing board of the institution concerned;

(2) approval of the program by the Coordinating Board, Texas College and University System;

(3) certification of adequate financing of the program by the institution after Coordinating Board approval; and

(4) when an institution has not previously offered master's level work, notification to the executive secretary of the Commission on Colleges, Southern Association of Colleges and Schools, is required at least one year in advance of program implementation.

5.47. Administration of the Program.

The institution must have provided appropriate faculty and administrative procedures to assure an effective program. The institution must have an appropriate administrative unit and a graduate council or similar body. The administrative unit and the supporting council should function on a continuing basis and have adequate authority to set standards and requirements for admissions to graduate programs.

5.48. Existing Programs.

The new master's program must be consistent with the institution's existing programs. The new master's program should be part of the long-range development plan of the institution and should complement and strengthen existing programs.

5.49. Library Resources.

The library holdings for a master's program must meet minimal quantitative and qualitative standards of national, regional, and professional accrediting associations. The library that serves master's programs must provide current periodical and other resources. Holley and Hendricks, in Resources of Texas Libraries, suggest that an institution

offering a broad spectrum of master's degree programs should have a minimum library collecton of 250,000 volumes, with 20,000 new additions per year, and 2,000 periodical subscriptions. For institutions offering a limited number of master's programs, the above study suggests that 100,000 volumes may be sufficient. In current revisions of library standards, more emphasis is being placed on quality rather than sheer quantity. The content of libraries can be maintained in many forms, and it is the total bibliographic content by discipline which shall be the guiding consideration for evaluation of library adequacy.

Subchapter D. CRITERIA FOR APPROVAL OF NEW DOCTORAL DEGREE PROGRAMS

Section

5.61. Design of the Program.
5.62. Freedom of Inquiry and Expression.
5.63. Strong Programs at the Undergraduate and Master's Levels.
5.64. Need for the Program.
5.65. Faculty Resources.
5.66. Teaching Loads of Faculty.
5.67. Critical Mass of Superior Students.
5.68. Adequate Financial Assistance for Doctoral Students.
5.69. Carefully Planned Program of Study.
5.70. Physical Facilities.
5.71. Library Resources.
5.72. Program Evaluation Standards.
5.73. Specific Steps for Implementation.

5.61. Design of the Program.

A doctoral level program is designed to prepare a graduate student for a lifetime of creative teaching, activity, research, or other professional activity. The administration and the faculty of institutions initiating doctoral level programs should exhibit a basic understanding of the long tradition of excellence associated with the awarding of the traditional and of the various doctoral level professional degrees.

5.62. Freedom of Inquiry and Expression.

Doctoral programs must be characterized by complete freedom of inquiry and expression.

5.63. Strong Programs at the Undergraduate and Master's Levels.

Doctoral programs, in most instances, must be undergirded by strong programs in a wide number of disciplines at the undergraduate and master's levels. Quality programs in other related and supporting doctoral areas must also be available.

5.64. Need for the Program.

Need for the establishment of a doctoral program at a particular institution would appear to exist if there is a generally recognized shortage of doctoral personnel in the field and if the special traditions and resources available at the university make it desirable and practicable to undertake such a program. Availability of spaces in the same program or similar programs in other institutions in the state, whether public or private, and in other universities in the region will be taken into account, as will the possibilities for cooperative and

interinstitutional arrangements. The need for holders of degrees from the program will be considered. Priority will be given to needs within the state but regional and national needs will not be disregarded.

5.65. Faculty Resources.

There must be a strong core of faculty--at least four or five--holding the doctor of philosophy degree or its equivalent from a variety of graduate schools of recognized reputation. Professors and associate professors must be mature persons who have achieved national or regional professional recognition. All of them must be currently engaged in productive research, and preferably, have published the results of such research. They should come from a variety of academic backgrounds and have complementary areas of specialization within their field. Such faculty members should already be in the employ of the institution. Proposed recruitment of such faculty will not meet this criterion. No authorized doctoral program shall be initiated until qualified faculty are active members of the department through which the program is offered.

5.66. Teaching Loads of Faculty.

Teaching loads of faculty in the doctoral program should not exceed two or three courses per term, and it must be recognized that some of these will be advanced courses and seminars with low enrollments. Adequate funds should be available for attendance and participation in professional meetings and for travel and research necessary for continuing professional development.

5.67. Critical Mass of Superior Students.

There must be a critical mass of superior students, carefully screened in terms of the Graduate Record Examination or other test scores. There should not be such a high ratio of doctoral students to faculty as to make individual guidance prohibitive.

5.68. Adequate Financial Assistance for Doctoral Students.

There should be adequate financial assistance for doctoral students so as to assure that most of them can be engaged in fulltime study. To assure continuity of effort, residency requirements should be strict. A fulltime relationship of the student to the academic program is desirable, and the continuing interaction of students and faculty is essential to a quality graduate program. Initially, funds for financial assistance to the doctoral students usually must come from institutional sources. As the program develops and achieves distinction, it increasingly will attract support from government, industry, foundations, and other sources.

5.69. Carefully Planned Program of Study.

There should be a carefully planned and systematic program of study and a degree plan which is clear, comprehensive, and generally uniform but which permits sufficient flexibility to meet the legitimate professional interests and special needs of doctoral level degree candidates. There should be a logical sequence of stages by which degree requirements will be fulfilled. The plan should require both specialization and breadth of education, with rules for the distribution of study to achieve both, including interdisciplinary programs if indicated. The plan should include a research dissertation or equivalent requirements to be judged by the doctoral faculty on the basis of quality rather than length.

5.70. Physical Facilities.

There should be an adequate physical plant for the program. An adequate plan would include reasonably located office space for the faculty, teaching assistants, and secretarial staff; library carrels for faculty and students; seminar rooms; laboratories, microfilm and microprint readers; computer resources; and other appropriate facilities.

5.71. Library Resources.

There should be an adequate library for the proposed program in terms of volumes held, volumes added annually, and index of current periodicals. Although standards of adequacy vary among fields, it is a generally accepted rule of thumb that quality doctoral work in a variety of fields cannot be carried on with less than ½ million volumes in the library collections and annual book expenditures of less than $200,000 for all collections. In some fields, such as science and engineering, laboratory facilities may be equally or more important than books, whereas in the humanities, the reverse is true. Quality of holdings and types of materials should also be taken into account in evaluating library resources. For instance, older libraries may have impressive numbers of volumes but be weak in modern collections. Microfilm and microprint holdings must be taken into account. Library resources should be strong not only in the doctoral program field but also in related and supporting fields. Although nearby and other accessible library resources may constitute valuable resources for the program, adequate library materials must be available at the institution concerned.

5.72. Program Evaluation Standards.

Proposed programs will be evaluated in terms of meeting the standards of the Southern Association of Colleges and Schools, and specific programs will be considered in light of the accrediting standards and

Subchapter E. PRESENTATION OF REQUEST FOR NEW ACADEMIC DEGREE PROGRAMS

Section
5.91. General Instructions.
5.92. Description of Proposed Program.
5.93. Projected Enrollment.
5.94. Faculty.
5.95. Library.
5.96. Facilities and Equipment.
5.97. Administration of Proposed Program.
5.98. Accreditation.
5.99. Supporting Fields.
5.100. Costs of Proposed Program.

5.91. General Instructions.

The provisions of this subchapter shall be used as a guide in the presentation of requests to the Coordinating Board for new certificate or degree programs, or for new major concentrations. The purpose is to give the institution, as well as the Coordinating Board, a better understanding of the nature and costs of the change requested. In preparing material for submission to the Coordinating Board, the outlines described in 5.92 of this title (relating to Description of Proposed Program), 5.93 of this title (relating to Projected Enrollment), 5.94 of this title (relating to Faculty), 5.95 of this title (relating to Library), 5.96 of this title (relating to Facilities and Equipment), 5.97 of this title (relating to Administration of Proposed Program), 5.98 of this title (relating to Accreditation), 5.99 of this title (relating to Supporting Fields), and 5.100 of this title (relating to Costs of Proposed Program) shall be followed. Requests shall be mailed to the Program Development Division, Coordinating Board, Texas College and University System, P.O. Box 12788, Capitol Station, Austin, Texas 78711. Ten copies of each request are required for Coordinating Board use, and a minimum of three months should be allowed for staff study of each request. Except in emergency situations, requests for new programs will be considered only at the April and October meetings of the Coordinating Board.

5.92. Description of Proposed Program.

The request shall include a description of the program as follows:

(1) What is the title and nature of the proposed degree program?

(2) List the course offerings to comprise the program. Which of these courses will be new ones?

(3) Outline a semester-by-semester curriculum for the proposed program, if applicable.

(4) What special requirements are included in the degree plan? If a graduate degree is contemplated, is a thesis or dissertation required? If not, what will be substituted? Describe any innovative changes in degree requirements.

(5) Is the proposed program entirely new to the institution? Is it an extension of a minor field? If so, give the number of students minoring in the program during the last three years.

(6) How many similar programs are offered elsewhere in Texas, and where? What is the nearest institution offering a similar program?

(7) Describe current manpower needs for graduates of the program. Also, describe how the proposed program strengthens the total academic program of the institution.

(8) Has the proposed program been approved by the institution's governing board? Give date of action. (A proposal shall not be sent to the Coordinating Board until it has been approved by the institution's governing board.)

5.93. Projected Enrollment.

The request shall include information on projected enrollment as follows:

(1) Project the enrollment for the proposed program for the next five years. Explain the basis for this projection. Include majors and minors in separate columns.

(2) Describe the likely source of students who will enroll in this program. Will they come from existing programs or will they be attracted to the institution to enroll in the proposed program?

5.94. Faculty.

The request shall include information on faculty resources as follows:

(1) Give the number of persons presently on the faculty who will be most directly involved in the proposed program. List name, rank, highest degree, present course load, and estimated course load in the proposed program for each. Do present faculty meet minimal criteria for the requested program?

(2) Calculate the present student-faculty ratio in the subject matter field(s) or department(s) in which the proposed program will be offered. (Divide fulltime equivalent students by full-time equivalent faculty.) Also give the average teacher-student ratio in the courses given by the department (planned number of students per class.)

(3) Project the need for new faculty required for the proposed program for the next five years. If the teaching responsibilities for the proposed program will be absorbed in part or in whole by the present faculty, describe how this will be done.

(4) Will acquisition of new faculty for the program require an additional outlay of funds? Explain in detail.

(5) Describe the involvement of the faculty, present and projected, in research, extension, correspondence, and other activities related to the proposed program. Will this program decrease or increase the course load of present faculty?

5.95. Library.

The request shall include information on library resources as follows:

(1) Are present library holdings in relevant fields adequate to begin the proposed program? How will the library have to be improved to meet program needs in the next four years? (Please explain need for books, periodicals, reference books, primary source materials, etc.) What are the institutional surpluses or deficiencies in holdings as measured by the Clapp-Jordan formula? How will approval of this program alter this situation?

(2) Do faculty and students now use libraries of other institutions? Could they do so in the proposed program? Explain in detail.

(3) Estimate the total expenditure for the last two complete fiscal years for library acquisitions in the departments or subject matter fields in which the proposed program will be offered, or in fields which are closely related to the proposed program.

(4) Project library expenditures to be budgeted annually for the next five years in supporting this program.

5.96. Facilities and Equipment.

The request shall include information on facilities and equipment as follows:

(1) Describe existing facilities that are available for the proposed program. Describe the present utilization of these facilities.

(2) What new facilities will be needed in the near future? Specify what special facilities and equipment will be needed and estimate their cost. From what sources do you anticipate obtaining needed facilities and equipment?

(3) Will the approval of this program result in planning for the addition of new facilities?

5.97. Administration of Proposed Program.

The request shall include information on the administration of the program as follows:

(1) Will the proposed program affect the administrative structure of the institution? If yes, describe how.

(2) In what department, division, school, or college will the proposed program be administered? If the program is to have interdepartmental or interunit administration, explain in detail.

5.98. Accreditation.

The request shall include information on accreditation as follows:

(1) Describe the requirements for accreditation, if the program is eligible to be accredited. What is the name of the accrediting agency?

(2) What will be the initial costs of accreditation and the subsequent annual costs to maintain it?

(3) Identify basic criteria for accreditation and describe how well these are presently being met.

5.99. Supporting Fields.

The request shall include information on supporting fields as follows: Evaluate the subject matter fields at the institution which may be considered as necessary, or valuable, in support of the proposed program. Will these fields need improvement or expansion? If so, how, to what extent, and at what cost? Be specific.

5.100. Costs of Proposed Program.

The request shall include information on the costs of the program as follows:

(1) Estimate the initial (first year) costs of the proposed program. If this is an extension of an ongoing program, what will be the cost differential?

(2) Estimate the annual cost of the program for the three years following its first year. (Use current formulas in arriving at the estimate.) Explain the rationale for the estimate. If this is an extension of an ongoing program, what will be the cost differential?

(3) Show the departmental operating expenditures for the last two fiscal years for the departments which will contribute significantly to the support of the proposed program. How will the proposed program affect the allocation or distribution of these funds?

(4) What additional funds for research will be needed to support the proposed program? Explain.

(5) How many graduate assistantships are considered desirable to begin the program? Estimate the amount of funds required for these assistantships over the next four years. What sources are available to support these assistantships? Will student aid funds be needed for undergraduates other than those provided for all undergraduates? Explain in detail.

(6) Describe briefly the sources of financial support for this program and evaluate the adequacy of funds for the inauguration and support of the program. Does the program give indications of becoming self-supporting within three years in terms of formula generated income?

(7) Add any comments which would be helpful to the Coordinating Board in evaluating this program request.

(8) Attach the letter of Certification of Adequacy of Financing to the completed copies of the application for the new degree program.

Subchapter F. PRESENTATION OF REQUEST FOR ADMINISTRATIVE CHANGES

Section
5.111. General Instructions.
5.112. Information Required.

5.111. General Instructions.

The provisions of this subchapter shall be used as a guide in the preparation and submission of requests by institutions to the Coordinating Board for new departments or other administrative units, or for administrative restructuring within the college or university. The request shall be outlined according to this subchapter. Ten copies of the completed request shall be submitted to the Program Development Division, Coordinating Board, Texas College and University System, P.O. Box 12788, Capitol Station, Austin, Texas 78711. At least three months should be allowed for staff study and review of each proposal. Except in emergency situations, requests for administrative changes will be considered only at the April and October meetings of the Coordinating Board.

5.112. Information Required.

The request shall include the following information:

(1) What is the exact administrative change proposed?

(2) Submit organizational charts showing the present administrative scheme and the proposed administrative scheme.

(3) What is the rationale for the proposed change? How would it improve the institution?

(4) Explain in detail the current administrative load under the present organizational structure and that under the proposed structure. Project these loads for the next four years, and explain the rationale for the projection. Cite number of faculty, teaching assistants, research load, number of majors and minors, etc.

(5) Explain the new costs of the proposed change in detail as follows:

(A) What new professional and clerical personnel will be added as a result of the change? (Project for four years.)

(B) What additional physical space will be required by the change? From what funds will this be provided and at what cost? How will these new costs be met? (Project for four years.)

(C) What additional equipment (all types) will be required as a result of the change? At what estimated cost? (Project for four years.)

(D) Will the administrative change require that the current salary for any administrator or other professional person be increased? Describe increases in detail.

(E) Will the proposed change be adequately funded by existing formula rates and appropriations? If not, explain what adjustments are contemplated.

(6) Will the proposed change alter in any way the approved role and scope of the institution? If so, explain in detail.

(7) Will the proposed change involve the institution (or any part of it) in new accreditation or in reaccreditation? If so, what are time requirements for this accreditation? What are basic criteria for the accreditation? What will be initial costs of the accreditation process, and subsequent annual costs to maintain it?

(8) Will the proposed administrative change require additional graduate or undergraduate student assistantships? If the answer is yes, explain in detail. Describe source of financial support.

(9) Will approval of the proposed change lead to additional or related proposals in other areas? If so, explain what and when.

(10) Has the institution's governing board approved the proposed administrative or organizational change or both? (Give date of meeting at which change was approved.)

(11) Describe briefly the source or sources of funds to support this administrative change and evaluate the adequacy of the funds for the inauguration and support of the change.

(12) Attach the letter of Certification of Adequacy of Financing to the copies of the application for the requested administrative change.

Subchapter G. APPROVAL OF LESS-THAN-BACCALAUREATE PROGRAMS IN SENIOR INSTITUTIONS

Section
5.131. General Policy.
5.132. Circumstances for Consideration of Proposals from Senior Institutions.
5.133. Criteria for Approval of Programs in Senior Institutions.
5.134. Procedures for Evaluation of Program Proposals.

5.131. General Policy.

One- and two-year, especially technical-vocational, post-secondary education programs should be delivered primarily by community junior colleges. These institutions are uniquely suited by virtue of their specialized mission, local governance, and student support services to provide such less-than-baccalaureate educational opportunities in an efficient and economical manner. The predominance of community junior colleges in this field ought not be disturbed. Exceptions to this section will be considered only under specific circumstances, and any approvals will be subject to criteria designed to meet the objectives of providing students with marketable skills and insuring a skilled labor force to meet community and regional needs.

5.132. Circumstances for Consideration of Proposals from Senior Institutions.

A less-than-baccalaureate program proposal from a senior institution will be considered only if:

(1) there is no community junior college within a reasonable commuting/delivery distance which can provide the proposed program(s) within a designated time period;

(2) the potential for cooperative agreement between area junior colleges and senior institutions, involving shared use of resources, has been fully explored; and

(3) the proposing senior institution possesses faculties, on-campus facilities, and/or other resources to offer particular specialized programs which are not feasible or desirable on the part of community junior colleges.

5.133. Criteria for Approval of Programs in Senior Institutions.

A proposed less-than-baccalaureate program in a senior institution must meet the following criteria:

(1) There should be a demonstrated or well-documented need for the program in terms of present and future employment opportunities and manpower requirements, as determined through comprehensive community or regional occupational and manpower surveys or both.

(2) Student needs, as revealed through orientation sessions and interest surveys, should support the requested program.

(3) Community or regional interest or both, as indicated through surveys of representative groups of business people and the counsel of advisory committee members, should demonstrate suitability of the proposed curriculum for identified area employment opportunities.

(4) The expressed interest and desire of the senior institution for meeting the less-than-baccalaureate education needs of potential students should be supported by assurances that special support services normally afforded students in similar programs in community junior colleges will be provided. These include, but are not limited to:

(A) "open" admissions (where applicable);
(B) a continuing program of counseling and guidance;
(C) financial aids;
(D) compensatory (developmental) education; and
(E) placement services and follow-up activities.

(5) Physical facilities, existing and projected, should be adequate to initiate and continue operation of the program.

(6) There should be adequate financing available to initiate the program, and the program should have growth potential to generate continued adequate funding within three years.

5.134. Procedures for Evaluation of Program Proposals.

Proposals for less-than-baccalaureate programs will be evaluated using the same procedures employed for evaluating other program proposals from senior institutions, except that when the proposed program is of a vocational-technical-occupational nature, a joint committee of the Texas Education Agency staff and Coordinating Board staff will confer prior to formal action of the Coordinating Board.

Subchapter H. APPROVAL OF OFF-CAMPUS AND OUT-OF-DISTRICT INSTRUCTION FOR PUBLIC COLLEGES AND UNIVERSITIES

Section

5.151. General Provisions.
5.152. Criteria and Procedures for the Consideration of Upper Level and Graduate Off-Campus Courses.
5.153. Criteria for Consideration of Out-of-District Course Offerings by Community Junior Colleges.
5.154. Criteria and Procedures for Considering Lower-Division Courses Proposed Off-Campus by Senior Institutions and Out-of-District by Community Junior Colleges.
5.155. Coordination of Adult and Continuing Education Activities.
5.156. Consideration of Courses Offered in Texas by Non-Texas Public Institutions of Higher Education.
5.157. Approval of Out-of-State and Foreign Instruction.

5.151. General Provisions.

(a) In accordance with Texas Education Code 61.051(j) and 130.086, all off-campus and out-of-district courses require Coordinating Board approval. Courses not requiring prior Coordinating Board approval shall be those courses offered by a public senior institution on its main campus (where the chief executive's primary office is located) and those offered by a public community junior college at any location within the boundaries of its district. Remote sites or facilities owned by the institution and recognized by the Coordinating Board as auxiliary locations for instruction will be regarded as "on campus." These would include such facilities as farms, ranches, and medical facilities belonging to the institution, or centers formally recognized by the Coordinating Board.

(b) Certain types of instruction not conducted at an official location may be treated as "on-campus." Such instruction would be the result of an institutional need to utilize resources not normally available at the campus location. Student teaching, internships, clinical instruction, practicums, cooperative education work stations, and field courses (when limited to campus-based students) are examples of such instruction. However, it must be noted that in localities where multiple institutional use of clinical facilities or other off-campus or out-of-district educational or training resources could or does lead to institutional conflicts, the board reserves the authority to require coordination of the activities in accordance with the established procedures for the approval of off-campus and out-of-district courses.

(c) Criteria to determine the need for off-campus or out-of-district credit courses are as follows:

(1) The determination of need for courses proposed in any year will be based on the average semester enrollments during the previous year for courses taught at each location in which a school is offering courses. The minimum averages per semester are required to be:

(A) 15 undergraduate students (except where maximum class size of fewer students is established by an appropriate accrediting group or government agency.

(B) 10 graduate students.

(C) Failure to have achieved these minimum averages may result in disapproval of the institution's authorization to teach at that location or in termination of approval to teach selected courses at that location.

(2) The course must be in the institution's currently approved course inventory.

(d) Criteria for the selection of an appropriate institution to conduct an off-campus or out-of-district course for which the need has been established:

(1) Preference will be given to a public institution which can offer the requested course, or a comparable course, on its campus when the proposed off-campus or out-of-district location is within commuting distance of such public institution. Exceptions to this preference may be granted for an institution beyond commuting distance of the proposed site under any of the following circumstances:

(A) When a remote institution is requested by a local institution to offer a course within commuting distance of the local institution, provided other local institutions concur that a course does not duplicate a course they will offer.

(B) When there is submitted to the Coordinating Board a written request from a local business, educational or governmental agency or other organization for specific courses by a specific institution. This exception may be applied only when the agency can certify that its personnel require courses at a time or place that local institutions cannot or will not provide and when the refusal of the local institution is for other than educational reasons.

(C) When, in areas of population density, program demand exceeds the capacity of local institutions or when courses of more than one institution can be supported without diminishing the program(s) of the local institution(s) or when the public can benefit by the variation in strength and special emphases of more than one institution.

(2) When sufficient justification for off-campus or out-of-district courses has been established, such as need has been demonstrated, the course is beyond a reasonable commuting distance from

any public campus, and there is no significant cost differential among the institutions which could offer the course, the regional council or conference will consider an appropriate institution to serve the proposed location.

(3) Definitions:

(A) A comparable course is one which is similar in content (evidenced by the course description) to another one in a given discipline. A comparable course will normally be acceptable in or transferable to the program sought by the majority of enrollees or both.

(B) Commuting distance can be measured by either mileage or time required for travel. Commuting distance will be determined primarily by the actual practice of students for a given institution. When a reasonable number of students do commute to a campus from a proposed off-campus location, that location will be considered to be within commuting distance of that campus. In the absence of an established commuting pattern, approximately 50 miles or one hour's one-way driving time will serve as guidelines.

5.152. Criteria and Procedures for the Consideration of Upper Level and Graduate Off-Campus Courses.

(a) A statewide standing advisory committee will be established to assist the Coordinating Board's staff and to advise the Coordinating Board in the implementation of procedures to be followed in the consideration of off-campus credit courses.

(b) Off-campus credit courses offered by Texas public senior institutions of higher education are of two types: extension credit courses and resident credit courses. Since Texas statutes make no distinction between the two, Coordinating Board approval by procedures established in subsection (f) of this section is required for both types of courses. Extension courses must be so identified on students' transcripts.

(c) Off-campus extension credit courses of senior institutions are defined by the following characteristics:

(1) The student may pay registration fee at other than the statutory rate.

(2) Cost of instruction is not paid from state appropriated funds unless an appropriation is specifically made for an extension program operation.

(3) Semester credit hours produced in extension credit classes will be reported separately from those produced in resident credit classes. Extension courses will not be reported on the CBM-004 form.

(4) The commissioner may determine that a sufficient demonstration of need for extension credit classes has been made by the willingness of the students or the sponsoring entity to pay the

full cost of the classes. In approving such classes, the commissioner may disregard the need criteria set forth elsewhere in these sections.

(5) The commissioner may determine for extension credit classes that the willingness of students of the sponsoring entity to pay the full cost of the classes permits it to select the institution to offer the classes, even though a closer institution may offer or be able to offer duplicate or similar classes. The commissioner in approving such classes may disregard criteria for the selection of the institution to offer such classes as set forth elsewhere in these sections.

(d) Graduate, off-campus resident credit courses are those comparable to on-campus courses. They must meet all the standards which an institution requires of its courses offered on campus to regularly enrolled students. Graduate, off-campus resident credit courses must meet the following criteria:

(1) Institutions proposing to offer any external master's degree program totally off campus must secure formal and separate Coordinating Board and Southern Association approval prior to beginning such a program.

(2) No external master's degree program will be authorized for more than three years. At the end of a three-year period, each approved external master's degree program will be reviewed and approval may be extended an additional three years when adequately justified. External doctoral degree programs will not be authorized.

(3) Unless the Coordinating Board grants specific authorization for an external degree program, at least 1/3 of the semester hours required for a degree must be completed in course work on the campus of the institution awarding the degree.

(4) Off-campus courses for resident credit, including any external master's degree programs authorized by the Coordinating Board, shall be administered by the same office or person administering the corresponding on-campus programs.

(5) All graduate students seeking to enroll in off-campus graduate courses must be admitted to the institution by the same procedures and under the same standards applicable to graduate students enrolled on the campus.

(6) Facilities for off-campus courses must be equivalent to or better than the facilities available for corresponding on-campus courses, as such facilities are described in the institution's copy of the Coordinating Board inventory of physical facilities. A proposed graduate course or program may be offered off campus only after the responsible administrator certifies to the adequacy of laboratory and computer resources and classroom facilities.

(7) Students must have campus library privileges and have adequate library resources convenient for use at the off-campus location. A graduate course or program may be offered off-campus only after the responsible administrator certifies that acceptable library resources are available.

(8) Faculty members must, by some means, have prior or continuing significant annual involvement in the on-going institutional setting in order to qualify to teach one or more off-campus courses. This recommendation might be met by having some other significant involvement or relationship with the home campus. A part-time faculty member employed to teach an off-campus course could meet the requirement for continuing involvement of this recommendation by teaching annually a course on campus prior to or concurrently with the assigned off-campus course. Whether a full-time or part-time faculty member of the institution, he or she should hold membership on the graduate faculty of that institution.

(9) The teaching format (such things as syllabus, student-teacher ratio, student-to-student and student-to-professor reaction) must be comparable to the format used for on-campus graduate instruction, as certified by the responsible administrator. Faculty contact hours with the classes must be equivalent to those of the same course when taught on campus. Teaching of the off-campus resident class must be done by the faculty member of record teaching the course.

(10) Students' permanent records must indicate whether a course was taken on campus or off campus.

(e) Junior and senior undergraduate off-campus resident credit courses are comparable to on-campus courses. They must meet all the standards which an institution requires of its upper level undergraduate courses offered on campus to regularly enrolled students. They must meet all requirements set forth in subsection (d) of this section for graduate courses, except that instructors need not hold membership in the graduate faculty.

(f) The following procedures will be followed in reviewing and approving or disapproving upper level and graduate off-campus courses.

(1) Each January the commissioner of higher education will initiate regional conferences of institutions proposing to offer off-campus credit courses in six areas of the state for the following academic year. All public and private senior institutions, whether they propose to offer off-campus courses or not, will be invited to attend. The conferences will be used to develop long-range plans for meeting regional needs, achieving institutional cooperation, and eliminating unnecessary duplication. Institutions must notify all potentially affected institutions of their off-campus plans in advance and seek to eliminate before the conferences any conflicts or duplication. Specific coordinating plans will be developed for the forthcoming year.

(2) Following the regional conferences, institutions will submit on forms provided by the Coordinating Board staff their official requests for off-campus course approval, reflecting the

decisions reached in the conferences. The staff will review the proposals and prepare recommendations for approval or disapproval to the commissioner of higher education.

(3) The commissioner will report his decisions on approvals and disapprovals of courses under the annual plan to the institutions at least two weeks before the scheduled July meeting of the Coordinating Board.

(4) Institutions having courses disapproved by the commissioner under the annual plan will be permitted to appeal to the board and to submit additional materials in support of their request at the July board meeting prior to the beginning of the year for which the courses are proposed.

(5) During the passage of the year it may be necessary for institutions to request to add courses not submitted as part of the annual plan. Such requests must be accompanied by documentation of discussions with other public and private institutions in the region concerning the new proposed courses.

(g) The commissioner may approve resident credit courses submitted to him not later than two weeks after the beginning of any semester or summer session. The commissioner may not approve such additional courses in excess of 20% of the number of courses previously approved as part of the annual plan for the requesting institution. Disapproval by the commissioner of such proposed additional courses may not be appealed to the board since they were not part of the original annual plan.

5.153. Criteria for Consideration of Out-of-District Course-Offerings by Community Junior Colleges.

(a) In geographical areas where there is not a community junior college but where such an institution is needed as determined by the Coordinating Board, courses offered should contribute to the establishment of the needed community junior college. Conversely, courses offered in other geographical areas should attempt to fulfill the needs of the areas so that an operationally separate community junior college will not be needed.

(b) "Branch campuses, centers, or extension facilities" are defined as any site outside geographical boundaries of a junior college district where the respective junior college offers or proposes to offer a course or courses. "Centers or extension facilities" are subject to the provisions of this subchapter. "Branch campuses" are subject to the provisions of Subchapter M of this chapter (relating to Approval and Operation of Community/Junior College Branch Campuses), provided that a community junior college may not be approved to establish a branch campus for a location in which it does not have current Coordinating Board approval to operate a center or extension facility.

(c) A community junior college desiring to offer a course or courses outside the geographical boundaries of its district shall apply to the Coordinating Board for approval of each location where such course or courses are proposed. The application shall contain such evidence as required by the Coordinating Board.

(d) The Coordinating Board may approve a defined geographical or program area within which a given community junior college may offer courses.

(e) The decision to purchase or rent land and facilities is a prerogative of the locally elected governing board of each community junior college district. However, prior approval to conduct courses or programs therein must be secured from the Coordinating Board.

(f) In many instances a given community junior college may not be financially able to offer all needed courses. Therefore, community junior colleges with expensive course offerings or specialized expertise are encouraged to assist other colleges in providing needed services and courses.

(g) The Coordinating Board shall approve each course or courses proposed to be offered by a community junior college within the district of a second community junior college prior to the actual offering of the courses after conferring with officials of the college district in which the services are proposed to be offered.

(h) The Coordinating Board also encourages close consultation or cooperative agreements or both between community junior colleges proposing to offer courses in the same geographical area which is not in a junior college district.

(i) The Coordinating Board may undertake a review of the sites where community junior colleges conduct courses outside the geographical boundaries of their respective districts.

(j) In accordance with Texas Education Code 61.062(d), each community junior college offering courses outside the geographical boundaries of its district shall submit to the Coordinating Board reports on such courses at the times and in the format as may be required.

(k) Adoption of this section by the Coordinating Board constitutes a change in role and scope for community junior colleges to offer courses outside the geographical boundaries of their respective junior college districts, provided that each such offering shall be approved in accordance with this section.

5.154. Criteria and Procedures for Considering Lower-Division Courses Proposed Off-Campus by Senior Institutions and Out-of-District by Community Junior Colleges.

(a) Universities' lower-division off-campus resident credit courses must be comparable to on-campus courses. They must meet all the standards which an institution requires of its undergraduate courses offered on campus to regularly enrolled students. They must meet all requirements set forth in 5.152(d) of this title (relating to Criteria and Procedures for the Consideration of Upper Level and Graduate Off-Campus Courses) for graduate courses, except that instructors need not hold membership in the graduate faculty.

(b) All out-of-district courses must be equal in quality to the same courses when taught on campus. Quality criteria include but are not limited to the following:

(1) Faculty teaching out-of-district courses must be employed to teach courses on the main campus. Exceptions to this provision must be accompanied by certification that the same procedure has been employed in the selection of faculty for teaching out-of-district courses as that used by the institution in the selection of faculty teaching courses on campus.

(2) Faculty contact hours with the classes must be equivalent to those of the same course when taught on campus.

(3) Teaching of the out-of-district class must be done by the faculty member of record teaching the course.

(4) Facilities for out-of-district courses must be comparable to the facilities available for corresponding on-campus courses, as such.

(5) Students must have campus library privileges and have adequate library resources convenient for use at the out-of-district location.

(c) The Coordinating Board recognizes regional higher education councils in eight major regions of the state. The council membership consists of the president, or his representative, of each institution listed for each region. If an institution desires to participate in an adjoining regional council(s) in addition to the one in which it is designated a member by the Coordinating Board, the institution is encouraged to do so. Further, private institutions may participate in the councils in the interest of regional cooperation and planning. Upper-level institutions which are members of the councils shall not vote on matters pertaining to the approval or disapproval of lower division credit course offerings or the selection of the appropriate institution to offer such courses. The council member institutions are as follows:

(1) The East Texas Higher Education Council. Angelina College, East Texas State University, Henderson County Junior College, Kilgore College, Panola Junior College, Paris Junior College, Stephen F. Austin State University, Texarkana Community College, Texas Eastern University, and Tyler Junior College.

(2) The Southeast Texas Higher Education Council. Alvin Junior College, Brazosport College, College of the Mainland, Galveston College, Houston Community College, Lamar University, Lee College, North Harris County College, Prairie View A&M University, Sam Houston State University, San Jacinto College District, Texas Southern University, University of Houston, University of Houston at Clear Lake City, and Wharton County Junior College.

(3) The South Texas Higher Education Council. Bee County College, Corpus Christi State University, Del Mar College, Laredo Junior College, Laredo State University, Pan American University, San Antonio Community College District, Southwest Texas Junior College, Texas A&I University, Texas Southmost College, The University of Texas at San Antonio and Victoria College.

(4) The North Texas Higher Education Council. Cooke County College, Dallas County Community College District, Grayson County College, North Texas State University, Tarrant County Junior College District, Texas Women's University, The University of Texas at Arlington, and The University of Texas at Dallas.

(5) The Central Texas Higher Education Council. Austin Community College, Blinn College, Central Texas College, Hill Junior College, McLennan Community College, Navarro College, Southwest Texas State University, Temple Junior College, Texas A&M University, and The University of Texas at Austin.

(6) The Northwest Texas Higher Education Council. Cisco Junior College, Midwestern State University, Ranger Junior College, Tarleton State University, Vernon Regional Junior College, and Weatherford College.

(7) The West Texas Higher Education Council. Angelo State University, El Paso Community College District, Howard College at Big Spring, Midland College, Odessa College, South Plains College, Sul Ross State University, Texas Tech University, The University of Texas at El Paso, The University of Texas of the Permian Basin, and Western Texas College.

(8) The Panhandle Higher Education Council. Amarillo College, Clarendon College, Frank Phillips College, and West Texas State University.

(d) Each regional higher education council shall have the following responsibilities:

(1) To endeavor to act in the best interests of the State of Texas to the end that among the institutions of higher education of the region there may be, in the conduct of out-of-district and off-campus lower-division courses, efficient and effective utilization of all available resources.

(2) To prepare and implement criteria for excellence in the conduct of out-of-district and off-campus lower-division courses.

(3) To assure that injury is not done to one institution of higher education by another institution(s) in the conduct of out-of-district and off-campus lower-division courses. This responsibility of the regional councils is particularly important with regard to new or developing institutions and to institutions with relatively small enrollments.

(4) To study cooperatively cost and quality considerations of various methods of providing lower-division courses in out-of-division courses in out-of-district and off-campus locations and to utilize those methods which promise to be most effective.

(5) To facilitate interinstitutional cooperation in the conduct of out-of-district and off-campus courses and to assure that each institution in the region has a record in advance of the lower-division courses and locations planned by any other institution for offering in the region, including the utilization of clinical facilities or other scarce resources not normally available in district or on campus.

(6) To advise the Coordinating Board on appropriate policies and procedures for effective state-level administration of out-of-district and off-campus lower-division courses. Collectively, the chairmen of the eight regional councils will constitute a statewide advisory committee for this purpose.

(e) The steps for submitting applications to the Coordinating Board for authorization to offer out-of-district and off-campus lower-division courses are as follows:

(1) Each regional higher education council should meet at least annually in the spring semester to formulate its plan for lower-division courses at out-of-district and off-campus locations within its region during the following academic year.

(2) Proposed out-of-district and off-campus lower-division courses by any institution should be reviewed by the regional council to which the institution belongs and forwarded by a deadline set by the commissioner, as part of the plan for that region, to the Coordinating Board, together with the regional council's recommendations for approval or disapproval.

(A) If proposed out-of-district and off-campus lower-division courses could possibly affect an institution which is a member of another regional council, the proposal should also be sent to the regional council to which the potentially affected institution belongs. That council should review the proposal and prepare a recommendation which should be returned to the originating council. This recommendation and the recommendation of the originating council should both be sent to the Coordinating Board.

(B) Out-of-district and off-campus lower-division courses proposed to be offered within a community junior college district or within the community of a senior institution should be noted for special consideration by the Coordinating Board.

(C) Lower-division courses (or programs) proposed to be offered on a regional or statewide basis or both should also be noted for special consideration by the Coordinating Board.

(D) An institution may make application for authorization to offer out-of-district or off-campus lower-division courses directly to the Coordinating Board. However, before the Coordinating Board takes action on the application, the application will be referred to the appropriate regional council(s) for consideration and recommendation.

(3) Upon receipt of the regional plans, the Coordinating Board staff will review them individually and in their composite form, and then, after consultation when appropriate with the statewide advisory committee on out-of-district and off-campus lower-division course offerings, make recommendations to the Coordinating Board for action, no later than the April quarterly meeting.

(A) The Coordinating Board staff will give special consideration to the recommendations of the regional councils as well as any minority (dissenting) reports filed by an institution(s). The right of an institution to disagree with its regional council's plan and to file a minority report with the Coordinating Board is assured.

(B) When the approval involves primarily the State Plan for Vocational Education, the Coordinating Board staff will confer with the Texas Education Agency prior to making its recommendation to the Coordinating Board.

(C) The Coordinating Board retains final authority for approval or disapproval of any section of the plan recommended by each regional council or, in the absence of recommendations from a regional council, to take whatever action is required to comply with provisions of Texas Education Code 130.086 and 61.051(j), and Coordinating Board rules.

(f) Regional plans should be submitted and considered for approval on an annual basis. Description of plans for individual institutions should be in whatever detail may be required by the Coordinating Board staff, with requests for new locations and/or substantially different courses or programs or both at previously approved locations submitted in full detail on application forms provided for this purpose. However, once an institution is approved for specified courses or specific programs or both in a given location(s) as part of a regional plan, then such approvals may be considered as having an indefinite term, subject to annual review and a one-year notice of withdrawal of approval. One basis for such withdrawal of approval is absence of enrollments during

three consecutive semesters in courses authorized for offering in a given location. Requests for reapproval should be considered as amendments to a regional plan.

(g) Institutions with expensive course offerings or specialized programs are encouraged to assist other institutions in providing needed courses and programs. However, in order to balance properly the desires of clients seeking the programs of a particular institution and the legitimate interests of nearby institutions in preserving their primary responsibility to serve area needs, the following options for approval of such courses or programs or both should be available:

(1) The local institution may be approved upon its insistence that it accept full responsibility for such offerings, particularly where a program of the local institution would be directly affected.

(2) The proposing institution and the local institution may work together to assure consistence in course content and may or may not cooperate further by sharing of funding and other resources between the two educational institutions based upon prearranged agreements.

(3) The proposing institution may be approved to offer the program without any direct involvement of the local institution, but only if this has been agreed to by the local institution.

(4) In all instances, however, the regional councils will serve as clearinghouses for this type of request.

(h) After approval of a regional plan, proposed amendments to it by an institution should be submitted (prior to implementation) to the Coordinating Board with copies distributed to other institutions in its regional council, as well as to institutions in other councils, if appropriate. If no objection to the proposed amendment is heard from any institution and unless the Coordinating Board staff or the Texas Education Agency or both object to the amendment, then the Coordinating Board staff will routinely approve the amendment and so inform the Coordinating Board's Community Junior College Committee. If objections are registered, then the Coordinating Board staff will refer the proposed amendment to the appropriate regional council(s) for a recommendation, before determining further action on the proposed amendment.

5.155. Coordination of Adult and Continuing Education Activities.

Texas Education Code 61.051(j) requires that "the Board shall establish regulations for the coordination of credit and non-credit activities of adult and continuing education by public colleges and universities." The following procedures will be followed:

(1) Any institution which objects to the offering of a non-

credit instructional activity shall notify the institution offering the program of its objection and the reasons therefor. The two institutions shall attempt to resolve the problem.

(2) All unresolved conflicts shall be referred to the commissioner of higher education for resolution who may refer them to the regional councils for a recommendation when appropriate. All members of a council will be eligible to vote on such recommendations.

5.156. Consideration of Courses Offered in Texas by Non-Texas Public Institutions of Higher Education.

Texas Education Code 61.001 et seq. states that "public institutions of higher education established outside the boundaries of the State of Texas must have the approval of the Coordinating Board before offering a course or a grouping of courses within the State of Texas." The provisions of this subchapter will be followed by the Coordinating Board to "qualify a public institution of higher education established outside the boundaries of the State of Texas to offer a course or grouping of courses within the State of Texas," as modified below:

(1) Texas institutions of higher education and other appropriate agencies will be asked to assist in the identification of non-Texas institutions which are offering or which plan to offer courses within the State of Texas.

(2) Non-Texas public institutions known to be seeking to offer courses or groups of courses in Texas will be asked to submit a declaration of intent identifying the courses, their level, their location, and other appropriate data prior to the offering of such courses.

(3) All such courses will be considered in accordance with the lower division or the upper division and graduate course procedures contained herein.

(4) The out-of-state institutions will be notified of the Coordinating Board's action.

(5) A non-Texas institution offering a course not approved by the Coordinating Board will be subject to "appropriate action to terminate its operation within the boundaries of the State of Texas" in accordance with the statute.

5.157. Approval of Out-of-State and Foreign Instruction.

All out-of-state and foreign courses offered for credit by Texas public institutions of higher education must be approved by the commissioner of higher education by the following procedure and criteria in order for the semester credit hours or the contact hours to be used for formula calculation purposes.

(1) Procedure. Each public institution wishing to offer credit courses outside the State of Texas must submit to the commissioner for approval a statement of institutional guidelines governing the offering of such courses and assuring the maintenance

of quality equal to that of courses on campus. Courses for individual students whose primary mode of instruction is practicum, independent study, thesis or dissertation will be approved by the commissioner without reference to the required guidelines. Individual instruction shall be reported on the class report forms (CBM-004) with an on-campus designation. All self-supported courses for which no tax funds are expended may be taught without action by the commissioner.

(2) Criteria. Coordinating Board approval of out-of-state and foreign credit courses for state support will be granted to those institutions whose guidelines meet the following criteria:

(A) No courses which offer credit for travel, recreation, or pleasure may be authorized.

(B) No courses may be offered to serve non-Texas resident persons domiciled at an out-of-state or foreign site. Non-Texas residents who are degree candidates at the institution may be enrolled in out-of-state or foreign courses and must be charged the nonresident or foreign student tuition as established by law.

(C) No student may be eligible to enroll in an out-of-state or foreign course unless he has satisfied all institutional and degree program admission requirements and has paid all appropriate fees.

(D) All courses must be in the approved course inventory and be applicable to a program approved by the Coordinating Board.

(E) No course may be scheduled outside the state except to utilize academic, cultural, or physical resources not available in Texas.

(F) The instruction in all authorized out-of-state and foreign courses must conform to all relevant academic policy at the institution. All courses must conform to the institution's workload and enrollment requirements, its contact hour/credit ratio, and similar matters.

(G) Instruction will normally be provided by regular faculty of the institution and will invariably be supervised by the appropriate institutional personnel. Exceptions may be made to take advantage of uniquely qualified personnel at the out-of-state or foreign location if the institution provides for individual justification and approval by the appropriate faculty or institutional officials.

(H) Motivation for courses must be educational, not entrepreneurial, and may not result in improper advantage or financial gain for participating faculty and staff.

(I) State funds generated by the enrollment in courses conducted at out-of-state or foreign locations may not be used for faculty or student travel, meals and lodging, or other incidental expenses associated with the out-of-state or foreign instruction.

(J) As a minimum, financial aid must be available to students registering for out-of-state and foreign courses on the same basis as it would be for such students seeking financial aid for on-campus instruction. Additional student financial aid may be furnished by the institution as appropriate.

(K) All institutions teaching resident credit courses eligible for formula funding outside the State of Texas will report those classes with the appropriate out-of-state or foreign coding on the class report form (CBM-004).

Subchapter I. APPROVAL OF ACADEMIC COURSES FOR STATE APPROPRIATIONS TO PUBLIC COMMUNITY COLLEGES

Section
5.171. General Provisions.
5.172. Unique Need Courses.
5.173. Compensatory (Developmental) Education Courses.
5.174. Guidelines for Obtaining Course Approval.

5.171. General Provisions.

State funding should be provided for general academic courses in a community junior college if funding is provided such a course in two or more senior institutions at the lower division level.

5.172. Unique Need Courses.

Lower division general academic courses may be added to meet the unique needs of a junior college after special review and approval of the board.

5.173. Compensatory (Developmental) Education Courses.

State funding should be provided for compensatory (developmental) education courses designed to fulfill the commitment of an admissions policy allowing the enrollment of disadvantaged students.

5.174. Guidelines for Obtaining Course Approval.

Criteria and procedures for obtaining course approval shall be as prescribed by, and approved courses shall be as listed in the August 1975 edition of the Coordinating Board's Course Guide Manual. Copies are available in the Coordinating Board offices, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

Subchapter J. OPEN-CIRCUIT TELEVISION COURSES OFFERED FOR CREDIT BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION

Section
5.191. Reporting Enrollments.
5.192. Students.
5.193. Financing.
5.194. Accreditation.
5.195. Courses.
5.196. Experimental Pilot Courses.
5.197. Agreement for Providing College Credit for Students Enrolled in Television Courses at Out-of-District Locations.

5.191. Reporting Enrollments.

All enrollments in courses offered for credit by open-circuit television, semester credit hours produced, and headcount enrollments through such courses shall be reported separately on such forms and in such manner as the staff of the Coordinating Board may prescribe.

5.192. Students.

The students shall not be counted as part of the resident student body.

5.193. Financing.

Such activities shall be financially self-sustaining through student fees, grants, and sources other than state general revenue appropriations except for approved experimental (pilot) courses as provided in 5.196 of this title (relating to Experimental Pilot Courses).

5.194. Accreditation.

In order to protect the accreditation of the institution concerned, the Coordinating Board recommends that each institution planning to offer open-circuit television courses for credit be required to consult with the appropriate accrediting agency.

5.195. Courses.

Courses to be offered on television shall be selected only from the list of approved courses.

5.196. Experimental Pilot Courses.

(a) State funding shall be available only for experimental (pilot) courses approved by the Coordinating Board.

(b) Of courses offered by instructional television, only enrollments in those courses specifically approved by the Coordinating Board for offering by instructional television are eligible for reporting for state-aid reimbursement. Institutions desiring to offer instructional television courses for state-aid reimbursement should apply to the Coordinating Board for specific prior approval of each such course. Applications should be directed to the Program Development Division.

(c) Enrollments in approved instructional television courses should be reported with and on the same dates and basis as enrollments in courses offered via other means. Applicable procedures in the July, 1975 edition of the Educational Data Reporting System for Public Community Colleges or the October, 1975 edition of the Educational Data Reporting System for Senior Colleges and Universities should be followed. Copies are available in the Coordinating Board offices, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

(d) Institutions reporting enrollments in approved instructional television courses should utilize one or more of the following means of establishing student participation in such courses:

(1) attendance at on-campus meeting(s), e.g.: orientation, pretesting, regularly scheduled seminar, etc.;

(2) non scheduled on-campus attendance, e.g.: viewing of programs in learning resource center, walk-in testing;

(3) mail-in documentation, e.g.: statement of participation, pretest or test on initial programs; or

(4) other methods as specified by the institution and agreed to in advance by the Coordinating Board.

(e) Records pertaining to student participation as outlined in subsection (d) of this section should be maintained by the institution at least until after audit and review.

5.197. Agreement for Providing College Credit For Students Enrolled in Television Courses at Out-of-District Locations.

(a) In cases where television broadcast facilities are located within the boundaries of a community college district, no out-of-district approval is required since students within range of the station are always free to enroll in the course through the sponsoring institution. However, some agreement (and approval) must be secured if other community colleges within range of the telecast wish to register students themselves and receive state aid but without any district involvement in the production of materials. The Coordinating Board endorses in principle such agreements as the following subject to annual review and evaluation by the participating colleges:

(1) Publicity. All televised courses will be publicized as being available to out-of-district residents "through and with the

approval of" participating colleges serving locales beyond the district of the transmitting college. Brochures and study guides produced by the transmitting college will be supplied to the participating colleges at cost plus postage.

(2) Enrollment. Students not residing in the district of the transmitting college who enroll for credit in a televised course will be given the option to enroll at a local or nearby participating college instead of traveling to the transmitting college to complete the required on-campus portions of the televised courses.

(3) Tuition and fees. Charges to enrollees for tuition and fees at any participating college will be determined by the respective college's regular fee schedule for such charges in force at the time of the student's enrollment.

(4) Reporting for state aid reimbursement. Student contact hours (determined in accordance with Coordinating Board guidelines) produced in televised courses will be reported by the college where the enrollment occurs and in the manner set out by the July, 1975 edition of the Educational Data Reporting System for Public Community Colleges or the October, 1975 edition of the Educational Data Reporting System for Senior Colleges and Universities should be followed. Copies are available in the Coordinating Board offices, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

(5) Reimbursement to transmitting college. By terms of the agreement between participating colleges and the transmitting college, participating colleges will reimburse the transmitting college an amount equal to 80% of the state appropriation rate per contact hour for each student contact hour produced during each regular or summer term. Payment will be made within 30 days after the official reporting date of each term.

(6) Out-of-district approval. Although the transmitting college will not be enrolling students at out-of-district locations in the technical sense, it is anticipated that for coordination purposes each college will express, through the framework of its regional council, its willingness (or lack thereof) to participate in the plan. Approval will then be granted to the transmitting college by the Coordinating Board in a fashion similar to other regional and statewide program authorizations.

(b) Endorsement of such agreements by the Coordinating Board should not be construed as a general waiver of the Board's policy respecting the availability of state aid for instruction by television. State funding remains available only for experimental (pilot) courses.

Subchapter K. PRIVATE DEGREE-GRANTING INSTITUTIONS OPERATING IN TEXAS

Section
5.211. Definitions.
5.212. Exemptions.
5.213. Coordinating Board.
5.214. Minimum Standards for Nonexempt Institutions.
5.215. Prohibition Applicable to Nonexempt Institutions.
5.216. Authority of Nonexempt Institutions to Grant Degrees and Offer Courses.
5.217. Certificate of Registration for Agents of Nonexempt Institutions.
5.218. Denial of Certificates to Institutions and Agents.
5.219. Revocation of Certificates to Nonexempt Institutions and Agents.
5.220. Penalties for Nonexempt Institutions.
5.221. Administrative Procedures for Nonexempt Institutions.
5.222. Judicial Procedures for Nonexempt Institutions.

5.211. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Accreditation standards acceptable to the board -- The standards of the recognized accrediting agencies listed under 5.212(a)(1) of this title (relating to Exemptions), or, for those institutions exempt under 5.212(a)(2) of this title (relating to Exemptions), the accrediting agency generally recognized by the appropriate professions.

Agent -- A person employed by or representing an institution within or without Texas who solicits any Texas students for enrollment in the institution, or who solicits or accepts payment from the Texas resident for any good or service offered by the institution at any place other than the office or legal place of business of the institution, and who receives valuable consideration for such efforts.

Board -- The Coordinating Board, Texas College and University System.

Commissioner -- The Commissioner of Higher Education.

Degree -- Any title or designation, mark, abbreviation, appellation, or series of letters or words, including associate, bachelor's, master's, doctor's and their equivalents, which signify, purport to signify, or are generally taken to signify satisfactory completion of the requirements of all or part of a program of study which is generally regarded and accepted as an academic degree-level program among Texas institutions of higher education accredited by accrediting agencies recognized by the Coordinating Board.

Person -- Any individual, firm, partnership, association, corporation, or other private entity or combination thereof.

Private institution of higher education or institution -- An education institution which:

(A) is not a public junior college, public senior college or university, medical or dental unit or other agency as defined in Texas Education Code 61.003(7);

(B) is incorporated under the laws of this state, or maintains a place of business in this state, or solicits business in this state; and

(C) furnishes or offers to furnish courses of instruction in person or by correspondence leading to a degree or for which a majority of the credits given are alleged to be applicable to a degree.

Program of study -- Any course or grouping of courses which are alleged to entitle a student to a degree or to credits alleged to be applicable to a degree.

Recognized accrediting agency -- The Southern Association of Colleges and Schools, Middle States Associaton of Colleges and Secondary Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Secondary and Higher Schools, the American Association of Bible Colleges, and the Association of Theological Schools of the United States and Canada.

The subchapter -- Subchapter G, Chapter 61, Title 3 of the Texas Education Code having an effective date of June 21, 1975, which subchapter was added by House Bill 1538 enacted by the 64th Texas Legislature.

5.212. Exemptions.

(a) The provisions of this subchapter do not apply to:

(1) an institution which:

(A) is fully accredited by a recognized accrediting agency, or

(B) is a candidate for accreditation by a recognized accrediting agency on the effective date of the subchapter, so long as the institution maintains candidacy status or subsequently is fully accredited;

(2) an institution whose graduates are subject to licensure by an agency of the state of Texas prior to their engaging in professions directly related to their course of study.

(b) The exemptions provided by subsection (a)(1) of this section apply only to the extent that an institution is accredited and if an institution offers to award a degree for which it is not accredited, the exemption does not apply.

(c) An exempt institution or person may be issued a certificate of authorization to grant degrees on request of said person or institution.

(d) An exempt institution or person would continue in that status only so long as it maintained accreditation standards acceptable to the board.

(e) In the event that the board has reasonable grounds to believe that an institution is not entitled to exempt status the board shall notify the institution by certified mail, return receipt requested, stating grounds for such belief and informing the institution that it has 10 days from receipt of the notice within which it may reply to the notice. If reply is not received within the period specified or after receiving the reply the board finds that the institution is in violation of the provisions of the subchapter or these sections, the board may take appropriate action under Texas Education Code 61.316.

5.213. Coordinating Board.

(a) Designation. The Coordinating Board shall administer the provisions of the subchapter of the Texas Education Code, in addition to its other duties presently provided by law. To achieve the purposes of the subchapter, the commissioner may request from any department, division, board, bureau, commission, or other agency of the state, and the same shall provide, such information as will enable the board to exercise properly its powers and perform its duties hereunder.

(b) Authority. The Coordinating Board shall exercise, in addition to the express powers and duties now vested therein by the subchapter and the subchapter of which this section is a part, authority to administer the subchapter by appropriate action consistent with Texas law and the board's own policies and procedures.

(c) Jurisdiction. The Coordinating Board will not consider any request for a certificate of authority pertaining to any post-secondary educational program or title not generally in use and accepted as an academic degree program among Texas institutions of higher education accredited by accrediting agencies recognized by the Coordinating Board.

5.214. Minimum Standards for Nonexempt Institutions.

(a) The board shall require each institution to provide an acceptable comprehensive statement of its educational objectives and to demonstrate its fitness to operate and maintain itself in accordance with the following minimum standards:

(1) The quality, content, and sequence of each course, curriculum, or program of instruction, training, or study are appropriate to the purpose of the institution and are such that the institution may reasonably and adequately achieve the stated objectives of the course or program. Substantially all of the coures in the areas of specialization and at least 1/2 of the general education and/or supporting courses required for each degree program must be offered by the institution, provided such courses are appropriate to the level of the institution.

(2) The education and experience and character of directors, administrators, supervisors, counselors, agents, and faculty are such as may reasonably insure that the students will receive education consistent with the objectives of the course or program of study.

(3) There are a sufficient number of full-time faculty to insure:

(A) continuity and stability of the education program;

(B) adequate educational association between students and faculty;

(C) opportunity for proper preparation for instruction and professional growth; and

(D) as a minimum, sufficient full-time faculty means for each program of study at least one full-time teaching faculty member whose field of preparation is appropriate to that program of study.

(4) The institution has adequate space, equipment, instructional materials, library facilities, and financial resources to provide education of good quality.

(5) Provisions are made for the continual assessment of the educational program to include the evaluation and improvement of instruction.

(6) The institution provides students and other interested persons with a catalog or brochure containing information describing the purpose, length, and objectives of the programs offered by the institution, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution and the program or course of instruction as are reasonably likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the board and/or defined in the rules; and that such information is provided to prospective students prior to enrollment.

(7) Upon satisfactory completion of training, the student is given appropriate educational credentials by said institution, indicating that the course or courses of instruction or study undertaken have been satisfactorily completed by the student.

(8) Adequate records are securely maintained by the institution to show attendance, progress, or grades, that satisfactory guidelines are followed relating to attendance, progress, and performance, and that transcripts are issued upon the request of the student.

(9) The institution is maintained and operated in compliance with all ordinances and laws, including rules and regulations adopted pursuant thereto, pertinent to the safety and health of all persons upon the premises.

(10) The institution is financially stable and will be able to fulfill its commitments to students. The institution will be evaluated to determine if it has sufficient reserves so that together

with tuition and fees from currently enrolled students it would be able to complete its obligations to currently enrolled students if it were unable to admit any new students.

(11) Neither the institution or its agents engage in advertising, recruiting, sales, collection, financial credit, or other practices of any type which are false, deceptive, misleading, or unfair.

(12) The student housing owned, maintained, or approved by the institution, if any, is appropriate, safe, and adequate.

(13) The institution has a fair and equitable cancellation and refund policy.

(14) Membership of the board must include individuals who represent the public interest and who derive no financial gain from the operations of the institution.

(15) There is sufficient distinction among the roles and personnel of the board and of the administration to ensure the appropriate separation of these functions.

(16) The bases of judgment for the application of these standards are generally accepted practices of accredited institutions of higher education in Texas and the United States as defined by institutional and specialized accrediting bodies and the several academic professional societies which have established standards for their members (e.g., The National Association of College and University Business Officers, American Association of Collegiate Registrars and Admissions Officers, et.al.).

(b) The board may accept as evidence of compliance with minimum standards established in this section the accreditation of selected accrediting agencies. This shall not be construed as giving exempt status to an applicant institution so accredited if it has not already been exempted under 5.212(a)(1) of this title (relating to Exemptions); nor is it to be understood that the board should not require further evidence and make further investigations concerning whether the institution should be authorized to operate in Texas.

5.215. Prohibition Applicable to Nonexempt Institutions.

After the effective date of the subchapter, no person may:

(1) grant, award, or purport to offer a degree on behalf of a private institution of higher education or enroll students for courses unless the institution has been issued a certificate of authority to grant the degree by the board in accordance with the provisions of the subchapter;

(2) represent that credits earned or granted by that person or institution are applicable for credit toward a degree to be granted by some other person or institution except under conditions and in a manner specified under 5.216 of this title (relating to Authority of Nonexempt Institutions to Grant Degrees and Offer Courses), and approved by the board;

(3) award an honorary degree on behalf of a private institution of higher education subject to the provisions of the subchapter, unless the institution has been awarded a certificate of authority to award such a degree, and, further, unless the degree shall plainly state on its face that it is honorary;

(4) use the term "college" or "university" in the official name or title of a private institution of higher education established after the effective date of the subchapter and subject to its provisions, unless the institution has been issued a certificate of authority to grant a degree or degrees; or

(5) act as an agent who solicits students for enrollment in a private institution of higher education subject to the provisions of the subchapter without a certificate of registration.

5.216. Authority of Nonexempt Institutions to Grant Degrees and Offer Courses.

(a) Eligibility.

(1) Institutions which have been in operation in Texas and have complied with Texas statutes as non degree-granting institutions for a minimum of two years may make application to the board for a certificate of authority to grant degrees. As a minimum "in operation" means to enroll students and to conduct classes.

(2) Documentary evidence or compliance with paragraph (1) of this subsection must be filed with the application.

(3) An institution must be fully operational as of the date of the on-site evaluation; i.e., it must have in-hand or under contract all the human, physical, administrative and financial resources it considers necessary to demonstrate its capability to meet the minimum standards for nonexempt institutions. The conditions found at the institution as of the date of the on-site evaluation visit will provide the basis for judging the institution's qualifications for a certificate of authority.

(b) Application for certificate of authority.

(1) An institution of higher education may apply to the board for a certificate of authority to grant a degree in a specified program of study on application forms provided by the board.

(2) As a minimum, the application form shall contain the name and address of the institution; purpose of the institution; names of the sponsors or owners of the institution; regulations, rules, constitutions, bylaws, or other regulations established for the government and operation of the institution; the names and addresses of the chief administrative officer, the principal administrators, and each member of the board of trustees or other governing board; the names of members of the faculty who will, in fact, teach in the program of study, with the highest degree held by each; a full description of the degree or degrees to be awarded and the course or courses of study prerequisite thereto; and a description of the facilities and equipment utilized by the institution.

(c) Issuance of certificate.

(1) The board may issue a certificate of authority to grant a degree or degrees and to enroll students for courses which may be applicable toward a degree if it finds that the applicant institution meets the standards established by the board for certification.

(2) The certificate of authority to grant degrees is valid for a period of two years from the date of issuance.

(3) The institution awarded a certificate of authority shall not use terms to interpret the significance of the certificate which specify or connote greater approval than simple permission to operate in Texas. Terms which may not be used include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended" by the State of Texas or agency thereof.

(4) An institution in operation on the effective date of the subchapter which has submitted a complete application for a certificate which has not been evaluated or acted on by the board shall be issued a provisional certificate which shall be valid for the purposes of compliance with the subchapter until the board has completed its evaluation and has issued or denied a regular certificate.

(d) Authority to represent transferability of course credit. Any institution as defined in 5.211 of this title (relating to Definitions), whether or not it purports to offer degrees, may solicit students for or enroll them in courses on the basis that credits for such courses are applicable to a degree program of another institution provided that:

(1) any other institution is named in such representation, and is accredited by a regional accrediting agency listed in 5.211 of this title (relating to Definitions); and

(2) the courses are identified for which credit is claimed applicable to the degree program(s) at any other institution(s).

(e) Amendments to applications.

(1) The chief administrative officer of each institution which has been issued a certificate of authority shall immediately notify the board of any change in principal location, ownership, governance, administrative personnel, faculty, or facilities at the institution or any other changes of a nature specified by the board.

(2) An institution which wishes to amend an existing program of study to award a new or different degree during the period of time covered by current certificate may file an application for amendment of the certificate with the board. If the board finds that the new program of study meets the required standards, the board may amend the institution's certificate accordingly.

(f) Renewal of certificate.

(1) A private institution of higher education which desires to renew its certificate of authority shall apply to the board at least 60 days prior to the expiration of the current certificate.

(2) The board shall renew the certificate if it finds that the institution has maintained all requisite standards and has complied with the provisions of this subchapter, as appropriate.

5.217. Certificate of Registration for Agents of Nonexempt Institutions.

(a) A person desiring to solicit or perform the services as an agent pursuant to the provisions of the subchapter shall make application for a certificate of registration. Such application will be in a form prescribed by the commissioner and shall include at least the following:

(1) name, address and certification status of institution represented;

(2) applicant person's full legal name, address, residence, age, educational background, experience, and evidence of institutional affiliation; and

(3) an affidavit from the applicant that he will fairly represent his institution consistent with the information provided by the institution in its application for a certificate of authority.

(b) Upon request of the board, the agent will provide sufficient evidence of good character.

(c) The agent's certificate of registration shall be issued for a two-year period and shall be in a form prescribed by the commissioner.

5.218. Denial of Certificates to Institutions and Agents.

(a) If the board, upon review and consideration of an application for certificate of authority, or for an agent's certificate of registration, or for renewal of either, shall determine that the applicant fails to meet the requisite criteria promulgated in this subchapter, the board shall so notify the applicant, setting forth the reasons for denial in writing.

(b) In the event the board denies an application for an agent's certificate, or for renewal thereof, it shall so notify the institution or institutions which said agent represented or proposed to represent, according to the records of the board, and shall include the reasons for denial.

5.219. Revocation of Certificates to Nonexempt Institutions and Agents.

(a) The board may revoke an institution's certificate of authority to grant degrees at any time if it finds that:

(1) any statement contained in an application for the certificate is untrue;

(2) the institution has failed to maintain the faculty, facilities, equipment, and programs of study on the basis of which the certificate was issued;

(3) advertising utilized on behalf of and sanctioned by the institution is deceptive or misleading; or

(4) the institution has violated any provision of this subchapter.

(b) The board may revoke an agent's certificate of registration at any time if it finds that:

(1) any statement contained in the application is untrue;

(2) the institution represented has had its certificate of authority revoked;

(3) the agent makes false, deceptive or misleading statements while attempting to solicit residents of this state as students; or

(4) the agent has violated any provision of this subchapter.

5.220. Penalties for Nonexempt Institutions.

(a) Any person who confers or offers to confer a degree on behalf of a private institution of higher education subject to the provisions of this subchapter which has not been issued a certificate of authority to grant degrees is guilty of a misdemeanor and upon conviction is subject to a fine of not less than $1,000 nor more than $5,000. Each degree conferred without authority constitutes a separate offense.

(b) Any person who establishes a private institution of higher education after the effective date of the subchapter and uses the term "college" or "university" in the official name of the institution without first having been issued a certificate of authority to grant degrees for the institution is guilty of a misdemeanor and upon conviction is subject to a fine of not less than $1,000 nor more than $3,000.

(c) Any agent who solicits students for enrollment in a private institution of higher education subject to the provisions of the subchapter without a certificate of registration is guilty of a misdemeanor and on conviction is subject to a fine of not less than $500 nor more than $1,000.

5.221 Administrative Procedures for Nonexempt Institutions.

(a) Initial certificate of authority.

(1) Those institutions seeking a certificate of authority are urged to communicate with the office of the commissioner before they file a formal application with that office.

(2) Applications must be accompanied by a fee of $250.

(3) An ad hoc consultant certification committee of at least three members appointed by the board will be formed, as needed, to assist the commissioner in the study of individual applications for certificates of authority in accordance with their respective areas of expertise.

(4) The commissioner, or his designated representative(s), and the consultant committee will, if considered appropriate, visit the institution and conduct an on-site survey to develop further the information shown in the application. Travel and per diem expenses of this group incident to an on-site survey will be borne by the institution concerned.

(5) The consultant committee to review applications, following its review, and if indicated, its on-site survey, will, with the commissioner or his staff representative(s), analyze the findings and submit to the board a recommendation concerning whether the applicant institution should be awarded a certificate of authority.

(6) Upon approval of the board for award of the certificate of authority to an institution, the commissioner will act immediately to prepare and forward the certificate. It shall state as a minimum the fact that the institution is authorized to grant degrees, as specified, in identified academic programs, describing the issue date, and the period for which the certificate is applicable.

(7) The provisional certificate described in 5.216(b)(4) of this title (relating to Authority of Nonexempt Institutions to Grant Degrees and Offer Courses) shall be issued within 30 days of receipt of application by the board.

(8) Following a final decision by the board which denies an institution's application for a certificate of authority, the board will not accept another application from that institution within six months unless the institution demonstrates adequate reasons. Pending completion of all procedures incident to an application, the board will not accept another application from an institution.

(b) Renewal.

(1) At least 60 days but no more than 120 days prior to the expiration of the current certificate of authority an institution will, if it desires to renew it, make application to the board on forms provided upon request. Reports not previously submitted to the board and related to the application for or renewal of accreditation to national or regional accrediting agencies will be included. Formal application for renewal by the board shall be accompanied by a certificate fee of $150.

(2) A consultant certification committee, described in subsection (a)(3) of this section, with the commissioner or his designated representative, will prepare a recommendation to the board in the same manner, making an on-site visit, if appropriate, as prescribed for approval of an initial application.

(c) Amendments to application for certificate of authority. When amendment to an existing program to award a new or different degree is sought pursuant to 5.216(d)(2) of this title (relating to Authority of Nonexempt Institutions to Grant Degrees and Offer Courses) within the

period covered by an existing certificate, the institution should forward to the commissioner a detailed description of the proposed change. This shall include, minimally, an outline of the curriculum to be offered, the identification of the degree to be awarded, the qualifications of the faculty involved, anticipated enrollment, financial support expected and its source, and the relation of the new program to the purpose of the institution. The approval procedure will correspond to that outlined above for an initial application. Applications for amendment shall be accompanied by a fee of $75 to cover the cost of program evaluation.

(d) Agents.

(1) An application for an agent's certificate of registration shall be submitted to the board in accordance with 5.215 of this title (relating to Prohibition Applicable to Nonexempt Institutions). The commissioner shall be authorized to take approval action on an agent's application therefor. Action to disapprove an applicaton shall be reserved to the board.

(2) The application shall be accompanied by a fee of $25.

(3) At least 60 days but no more than 120 days prior to the expiration of an agent's permit, the agent shall complete and file with the board an application for renewal of his certificate.

(e) Records.

(1) Institutions authorized to operate in this state will be required to furnish a list of their agents to the board, and to maintain records of students enrolled, credits awarded, and degrees awarded in a manner specified by the board.

(2) In the event any institution now or hereafter operating in this state proposes to discontinue its operation, the chief administrative officer, by whatever title designated, of such institution shall cause to be filed with the board the original or legible true copies of all such academic records of such institution as may be specified by the board. Such records shall include, at a minimum, such academic information as is customarily required by colleges when considering students for transfer or advanced study; and, as a separate document, the academic record of each former student. In the event it appears to the board that any such records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the board, the board may seek court authority to take possession of such records. The board shall maintain or cause to be maintained a permanent file of such records coming into its possession.

(f) Administrative remedy.

(1) An institution whose certificate of authority is revoked or whose application for an original, amended or renewal certificate of authority does not meet the standards of the board is entitled to written notice of the reasons assigned by the board

for the denial or revocation. It is similarly entitled to written notice of reasons for revocation or denial of an agent's initial application for a certificate of registration or for its renewal.

(2) Any person aggrieved by a decision of the board respecting denial or revocation of an authorization to operate, or of an agent's permit, shall have the right to a hearing and review of such decision by the board. If, upon written notification of any such action by the board, the aggrieved party desires a hearing, the party shall notify the board, in writing, within 15 days after receipt of notice of such action, else the action shall become final.

(3) The said hearing shall be held within 120 days after written request is made to the board, but not sooner than 30 days after receipt of notice by the aggrieved.

(4) The notice must include:

(A) a statement of time, place, and nature of the hearing;

(B) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(C) a reference to the particular sections of the statutes and rules involved; and

(D) a short and plain statement of the matters asserted.

(5) If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, on timely written application, a more definite and detailed statement must be furnished not less than three days prior to the date set for the hearing.

(6) All nonevidentiary grounds for setting aside the board's action which may be raised prior to the hearing must be fairly raised, submitted to and received by the board within 15 days after receipt of notice of hearing. Counsel for the board may respond in writing.

(7) Postponement or continuance of hearing may be granted for good cause.

(8) Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

(9) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(10) The record in a contested case includes:

(A) all pleadings, motions, and intermediate rulings;

(B) evidence received or considered;

(C) a statement of matters officially noticed;

(D) questions and offers of proof, objections, and rulings on them;

(E) proposed findings and exceptions;

(F) any decision, opinion, or report by the officer presiding at the hearing; and

(G) all staff memoranda or data submitted to or considered by the hearing officer or members of the board who are involved in making the decision.

(11) Proceedings, or any part of them, must be transcribed on written request of any party. The board may pay the cost of the transcript or assess the cost to one or more parties. The subchapter does not limit an agency to a stenographic record of proceedings.

(12) Findings of fact must be based exclusively on the evidence and on matters officially noticed.

(13) Other details related to preliminaries to and procedures for the hearing shall be followed in accordance with section 14--17 of the Administrative Procedures Act enrolled as Senate Bill Number 41, 64th Texas Legislature.

(14) Within 10 days after the decision which emanates from the hearing, notice thereof shall be forwarded to the aggrieved.

5.222. Judicial Procedures for Nonexempt Institutions.

(a) If after the hearing described in 5.221 of this title (relating to Administrative Procedures for Nonexempt Institutions) the board upholds its previous denial or revocation of a certificate of authority or an agent's certificate of registration, the institution may challenge the board's action in a suit filed within 30 days of the notice of denial or revocation in the district court of Travis County. The trial shall be de novo as that term is used in appeals from a justice of the peace court to a county court. Appeals from any final judgment of the district court may be taken by any party in the manner provided for in civil actions generally, but no appeal bond may be required of the board.

(b) Judicial review shall, like those described in subsection (a) of this section, be consistent with and inclusive of section 19 of the Administrative Procedures Act.

Subchapter L. OPERATION OF OFF-CAMPUS EDUCATIONAL UNITS OF PUBLIC SENIOR COLLEGES AND UNIVERSITIES

Section
5.241. Purpose.
5.242. Definitions.
5.243. Upper Level Centers.
5.244. Other Off-Campus Educational Subdivisions of Colleges and Universities.
5.245. The University of Houston Downtown College.

5.241. Purpose.

The provisions of this subchapter define off-campus educational units and establish criteria and procedures applicable to the classification, authorization, operation, and reclassification of these units. The provisions of this subchapter are applicable to all units which offer courses of instruction for resident credit at a public senior college or university, but are geographically separate from that college or university.

5.242. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Off-campus educational unit -- A subdivision under the management and control of an existing state senior college, university, or central administration (hereinafter referred to as the parent institution) in a geographic setting separate from the parent institution. It exists for a specific purpose which is directly related to the teaching of courses for resident credit at the parent institution, or for providing administrative support which facilitates the teaching of such courses. An off-campus unit, as used herein, is not a separate general academic institution and therefore does not have completely independent life within itself as regards academic, administrative, and fiscal matters, but has dependence upon the parent institution in such matters. There are three categories of off-campus educational units: upper-level centers, other off-campus educational subdivisions of senior colleges and universities, and the University of Houston Downtown College.

Separate general academic institution -- A degree-granting public senior college or university established by the Texas Legislature as an independent educational unit under the direct authority of a statutory governing board. Within the limits of the policies and regulations established by appropriate state authority and its governing board, an operationally separate institution is autonomous in academic, administrative, and fiscal matters. It is located on its own individual campus; is accredited by the Southern Association of Colleges and

Schools; and has degree-granting authority. Minimum enrollment levels which must be met before the Coordinatng Board will consider recommending that the legislature establish an existing off-campus educational unit as a separate general academic institution is established as 1,500 fulltime student equivalents (FTSE) enrolled on the campus. FTSEs are calculated on the basis of total semester credit hours for an academic year divided by 30. Off-campus enrollments may not be counted in reaching these enrollment levels.

5.243. Upper Level Centers.

(a) Role and scope. An upper level center is an off-campus educational unit established for the primary purpose of expanding baccalaureate and degree opportunities to Texas citizens in certain geographic areas in relation to one or more local public community junior colleges. It must have a role and scope statement, approved by the Coordinating Board, which further defines its purpose and will control the programs, courses, and organizational structure of the center. It is normally located on the campus of an existing public community junior college, thereby providing these educational opportunities at the lowest possible cost by not duplicating facilities and programs already available in the junior college. An upper level center offers junior, senior, and certain graduate level courses in programs approved by the Coordinating Board. It is restricted to accepting students eligible for upper division classification at the parent institution and may not offer freshman and sophomore level courses. Its initial classification, continued operation, and, if necessary, reclassification will be guided by the conditions and constraints contained in subsections (b)--(i) of this section.

(b) Authority. To be designated as an upper level center, a unit must be authorized by the Texas Legislature or by action of the Coordinating Board, Texas College and University System, based upon a request from the governing board of the parent institution. An essential feature of the authority is that it establishes the unit concerned as an element of an existing senior institution, but at a different location.

(c) Enrollment criteria. To be designated as an upper level center, a unit must meet both of the following enrollment standards, with the exception of those currently designated centers listed in subsection (i) of this section, which have been authorized by legislature or Coordinating Board authority prior to the effective date of this subchapter.

(1) The minimum headcount enrollment on the campus of the center for the most recent fall semester is established as 1,500 students.

(2) The minimum number of semester credit hours completed in approved resident credit courses offered on the campus of the center during the most recent academic year (fall semester, spring semester, and combined summer sessions) must be at least 30,000.

(d) Course and program approval. An upper level center is not authorized to award degrees. Course and program offerings are subject to Coordinating Board approval, and must be based upon careful surveys of need, availability of qualified faculty, and other resources. They may be offered subject to the following conditions:

(1) Courses may lead to the fulfillment of requirements of degrees, which must be granted by and in the name of the parent institution.

(2) Programs must be developed with the assistance and counsel of the parent institution.

(3) Some special need courses and programs may be offered by the center subject to demonstrated need and prior approval of the parent institution and the Coordinating Board.

(4) A center, upon approval of the parent institution and the Coordinating Board, may seek accreditation as an operationally separate unit by the Southern Association of Colleges and Schools.

(5) Student records will distinguish between courses taken at the center and at the parent institution.

(6) Subject to compliance with policies established by the parent institution, admissions requirements, and procedures; course approval, content, and numbering; faculty recruitment, promotion, and tenure; and other policy decisions may be under the administration and supervision of the center. If the parent institution so desires, approval and supervision in these matters may be retained by appropriate authorities or departments within the parent institution.

(e) Administration and staffing. The upper level center will be under the general management and control of the parent institution; however, certain administrative functions may be delegated to the center. Personnel adequate in number and type to provide for student needs and to insure smooth functioning of the center should be maintained. The organizational structure will be simple compared with that of a separate institution. The size and structure of the administrative organization are subject to approval by the Coordinating Board. In determining the size and composition of the administrative and support staff the following guidelines will apply:

(1) The parent institution shall provide for assistance to the center in business affairs, including accounting, auditing, purchasing, and budget preparation; personnel administration; admissions and maintenance of student records; data processing; and processing of library material.

(2) With approval of the parent institution and after compliance with state regulations, the center may enter into contracts with local institutions, agencies, organizations, and firms for the delivery of administrative and support services.

(3) To avoid unnecessary duplication, every effort should be made to obtain services from or share services with, other educational institutions where the role and scope or physical location of the center or both provide the opportunity for doing so. The following are examples of areas considered appropriate for such cooperative arrangements: student services such as health, recreation, and extraclass activities; auxiliary services such as bookstore and food service; counseling and guidance; data processing, if not provided by the parent institution; safety and security; library facilities and service; audiovisual and other learning resources not provided by the parent institution; maintenance; and custodial services.

(f) Funding. An upper level center is eligible to request funding as a "general academic institution" as defined in the Texas Legislative Appropriations Act; however, funding under this designation does not constitute recognition as a separate institution in other respects. Appropriation requests will be based on the formulas designated by the Coordinating Board for the public senior colleges and universities for those elements of institutional cost appropriate to the operation of the center.

(g) Facilities. The acquisition of real property establishes a permanency inconsistent with the nature of such centers. Facilities should be shared with another educational institution and in most situations should be leased from the public junior college on whose campus the center is located.

(h) Reclassification.

(1) The Coordinating Board may consider an upper level center for recommendation to the legislature as a separate general academic institution, provided all the following criteria have been met:

(A) the role and scope of the center provides justification for consideration as a separate institution;

(B) the standards of an upper level center have been maintained for at least five consecutive years, and the need for and support of its approved courses and programs have been demonstrated;

(C) fulltime student equivalent enrollment on the campus of the center has reached 1,500 and has been maintained for not less than two consecutive fall semesters;

(D) enrollment projections indicate that 2,500 or more fulltime student equivalents can be expected within the next five years; and

(E) the governing board of the parent institution recommends and requests such action.

(2) The Coordinating Board may discontinue an upper level center when:

(A) its total headcount enrollment falls below 500 for two consecutive fall semesters and there is an absence of conclusive evidence that enrollment will increase to this level by the next fall semester;

(B) its total on-campus semester credit hours in approved courses falls below 10,000 for an academic year and there is an absence of conclusive evidence that semester credit hours will rise to this level during the next academic year; or

(C) the governing board of the parent institution recommends such action.

(i) Currently designated centers. The upper level centers recognized at the time of adoption of the provisions of this subchapter and subject to all the foregoing provisions governing such centers, with the exception of subsection (c) of this section on enrollment criteria, are as follows:

(1) Texas A&I University at Laredo. By action of the 61st Legislature (House Bill 607, May 27, 1969), and the 63rd Legislature (Senate Bill 106, May 12, 1973), Texas A&I University at Laredo is also exempt from subsection (d)(first sentence) of this section and subsection (d)(1) of this section, in that it may award degrees in its own name.

(2) University of Houston Victoria Center.

(3) East Texas State University Center at Texarkana.

(4) Pan American University Brownsville Center.

(5) Sul Ross State University Uvalde Study Center.

5.244. Other Off-Campus Educational Subdivisions of Colleges and Universities.

Other off-campus educational subdivisions are those organized units, exclusive of upper level centers and the University of Houston Downtown College, established for the purpose of coordinating or providing off-campus credit or noncredit courses authorized to be offered by the parent institution in a remote geographic location. They do not have independent role and scope statements; therefore, their activity must be within the role and scope of the parent institution. They exist only under a set of conditions which justify central coordination and administrative support in order to improve the efficiency and effectiveness of courses being offered by the parent institution. The conditions under which off-campus educational subdivisions will operate are:

(1) Authority. Such subdivisions may be established by a public university within its existing authority after intention to do so, with justification, has been communicated to, and concurrence has been given by, the Coordinating Board. Rejustification for continuation of the unit must be submitted to the Coordinating Board annually, except for those units whose legislative authority exempts them from this provision.

(2) Enrollment criteria. Enrollment criteria of Subchapter H of this chapter (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities) must be met.

(3) Course and program approval. Except as noted in paragraph (7) of this section, courses and programs to be offered are limited to:

(A) off-campus credit courses which are in compliance with Subchapter H of this chapter (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities); and

(B) field courses, laboratory experiences, or research related courses as in 5.151(b) of this title (relating to General Provisions), which are in the approved course inventory of and offered by a particular department at the parent university and are associated with a primary field activity where the subdivision is located.

(4) Administration and staffing. Administrative structure will be limited to a coordinating office under the direct management and control of an appropriate official or department of the parent institution. Except for routine clerical activities, all administrative and logistical support and student services are delivered by the parent institution. Exceptions can be made in those cases where the legislature has authorized the acquisition of physical facilities.

(5) Funding. The off-campus subdivision is financially dependent upon its parent institution and supported within the budget of the departments or activities which it serves. It is not eligible to request separate legislative funding. Semester credit hours completed at the unit must be reported by the parent institution as off-campus courses and will be funded as determined by the legislature. Formula generated funds earned at the subdivision are expected to be applied to financing its operation.

(6) Facilities. Except where authorized by statute, nothing in these sections is to be interpreted as permitting the acquisition by gift or purchase of real property for the purpose of establishing or operating an off-campus subdivision.

(7) The following units are excepted from the provisions of paragraphs (3) and (5) of this section in accordance with previous legislative or Coordinating Board action:

(A) Lamar University Orange Center; and

(B) Lamar University Port Arthur Center.

5.245. The University of Houston Downtown College.

The University of Houston Downtown College is a general purpose educational off-campus unit which offers freshman- through senior-level courses in programs approved by the Coordinating Board. All degrees

must be awarded by and in the name of the University of Houston. Any reclassification of the Downtown College will be in accordance with those rules established for an upper level center in 5.243(h) of this title (relating to Upper Level Centers).

Subchapter M. APPROVAL AND OPERATION OF COMMUNITY/JUNIOR COLLEGE BRANCH CAMPUSES

Section
5.261. Purpose.
5.262. Authority.
5.263. Definitions.
5.264. Conversion and Establishment Provisions.
5.265. Procedures.
5.266. Continuing Coordinating Board Supervision.
5.267. Reclassification.
5.268. Exclusion and Restrictions.

5.261. Purpose.

The provisions of this subchapter define branch campuses of public community/junior colleges and provide for the establishment, authorization, and operation of such campuses.

5.262. Authority.

A community/junior college branch campus must be authorized by the Coordinating Board, Texas College and University System, upon application by the governing board of the parent community/junior college district or upon reclassification of an out-of-district center or extension facility by the Coordinating Board.

5.263. Definition of "Out-of-District Unit".

Out-of-district units of community/junior colleges are of two types:

(1) centers of extension facilities, which are subject to Subchapter H of this chapter (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities); and

(2) branch campuses, which are subject to the provisions of this subchapter. Branch campuses of community/junior colleges operate as out-of-district units of existing community/junior college districts for the purpose of providing the programs outlined by the role and scope statements below on an on-going and permanent basis in an area that satisfies or exceeds statutory and board requirements for the establishment of a community/junior college but does not include such college.

5.264. Conversion and Establishment Provisions.

Consistent with the statutory purposes of a public community/junior college as set out under 5.265(1) of this title (relating to Procedures)

and in accordance with Coordinating Board guidelines that no community/junior colleges be established without sufficient local support, whenever any center or extension facility reaches an enrollment of 1,500 headcount students in state-supported credit courses, it must exercise one of the options below:

(1) establish its own community junior college;
(2) merge with the parent district by annexation;
(3) convert to a branch campus according to this subchapter; or
(4) maintain the center or extension facility with fewer than 1,500 headcount students in state-supported credit courses.

5.265. Procedures.

In accordance with a format established by the Coordinating Board staff, each institution wishing to create a branch campus must complete an application documenting that it meets the following criteria:

(1) Role and scope. In its program aspects, a branch campus of a public community/junior college is equivalent to an independent community college; therefore, in accordance with Texas Education Code 130.003(e), it must provide:

(A) technical programs up to two years in length leading to associate degrees or certificates;
(B) vocational programs leading directly to employment in semiskilled and skilled occupations;
(C) freshman and sophomore courses in arts and sciences;
(D) continuing adult education programs for occupational or cultural upgrading;
(E) compensatory education programs designed to fulfill the commitment of an admissions policy allowing enrollment of disadvantaged students;
(F) a continuing program of counseling and guidance designed to assist students in achieving their individual student goals; and
(G) such other purposes as may be prescribed by the Coordinating Board, Texas College and University System, or local governing boards, in the best interest of postsecondary education in Texas.

(2) Minimum size. The minimum headcount enrollment necessary to establish a branch campus is 1,000 students in state-supported credit courses in the most recent fall semester. In calculating the enrollment necessary for branch campus establishment or conversion, junior college out-of-district credit enrollment figures will be determined by including the credit students enrolled within the area served by the proposed branch campus. Such areas are defined by school district or county boundaries or both.

(3) Programs and courses. All courses, programs, and degrees must be offered in the name of the parent district, and the following criteria will be applied in determining approval:

(A) offerings must be planned and must meet the purposes as described under paragraph (1) of this section;

(B) student records will indicate all courses which are taken at a branch campus;

(C) courses and programs must be developed and operated with the on-going assistance and involvement of the parent district faculty and staff; and

(D) at least 1/2 of the instructional faculty teaching at the branch campus must be fulltime, permanent instructors in the district's employ.

(4) Description of staffing plan. A separate budget, administration, and support staff sufficient to meet the needs of faculty and students at the branch campus must be maintained.

(5) Funding.

(A) There must be evidence and assurance of a continuing local source of financial support.

(B) Local support must be furnished at a level sufficient to provide all facilities needed to offer high quality programs at the proposed branch campus location. "Facilities" includes the operation and maintenance of the physical plant plus any rehabilitation and repairs. "Local support" may be "in kind," provided neither the parent district nor the branch campus is made subject to any "quid pro quo." Local support may not be made up entirely of student tuition and fees.

(C) Separate accounts for the branch campus will be kept and financial reports submitted as required for community/junior college districts.

(D) State aid will be earned according to appropriated formula rates for in-district courses.

(6) Facilities. Description of real property acquired by purchase, rent, or gift according to Texas Education Code 130.086 must be provided. No formula-generated funds may be used for the purchase, rent, operation, or maintenance of such facilities. Provision of facilities, including the cost of maintenance and operation is the responsibility of the area within which the branch campus operates.

(7) Regional higher education council review and certification. The regional higher education council within which the branch campus is proposed must review the branch campus application. Should an institution other than the one nearest to the proposed location apply, the council (or councils if the proposed location is between institutions in two or more councils) must recommend to the commissioner of higher education the appropriate institution. Council minutes must reflect discussions of the proposal with all public and private colleges and universities within the council(s) affected.

5.266. Continuing Coordinating Board Supervision.

(a) Program offerings must continue to meet the requirements provided by 5.265(1) of this title (relating to Procedures); exceptions must be approved by the Coordinating Board.

(b) The branch campus must continue to meet the requirements provided by 5.265(5) and (6) of this title (relating to Procedures); exceptions must be approved by the Coordinating Board.

5.267. Reclassification.

(a) The territory within which a branch campus of a community/junior college is operated may elect to apply to the Coordinating Board to establish its own junior college at any time in accordance with Coordinating Board rules for establishing such an institution.

(b) The Coordinating Board may withdraw approval for a branch campus whenever the board determines that conditions warrant such action. Such conditions include:

(1) evidence of local effort to establish its own junior college district; such local effort will be reviewed by the Coordinating Board as to the feasibility of establishing a separate junior college or a merger with the parent district;

(2) decline in enrollment below that required to establish a branch campus; or

(3) failure to maintain the required level of local support.

5.268. Exclusion and Restrictions.

Community/junior college out-of-district centers of extension facilities which meet or exceed the requirements for the establishment of a branch campus as of the effective date of this subchapter shall be individually reviewed by the Coordinating Board to determine the feasibility and desirability of applying the provisions of this subchapter to them.

Subchapter N. GUIDELINES ON APPROVAL OF COURSE INVENTORIES FOR PUBLIC SENIOR INSTITUTIONS

Section
5.281. Procedure for Obtaining Course Approval.
5.282. Course Approvals Affecting Graduate Interdisciplinary Degrees.
5.283. Course Approvals for Interdisciplinary Baccalaureate Degree.
5.284. Uses and Course Approval for Bachelor of Applied Arts and Sciences Degree.

5.281. Procedure for Obtaining Course Approval.

Procedures for obtaining approval of courses for state funding shall be prescribed by the latest edition of the Coordinating Board's Course Inventory Update Manual. Copies are available in the Coordinating Board offices, P.O. Box 12788, Capitol Station, Austin, Texas 78711.

5.282. Course Approvals Affecting Graduate Interdisciplinary Degrees.

(a) A proposal for the interdisciplinary graduate degree should state the disciplines which are applicable to it and on which the student may draw for degree planning. Seldom will it be necessary to add any courses to the course inventory; some programs are designed to require integrative interdisciplinary core courses, which usually have to be added at the time the program is approved.

(b) Once the degree is approved, the following guidelines should be observed:

(1) Authorization for the degree is not justification for offering graduate courses in a discipline in which the university is not currently authorized to offer the graduate work. Limited numbers of graduate courses in a discipline not currently authorized at the graduate level at that institution may be requested with thoroughly documented justification.

(2) Graduate courses normally will not be added to disciplines applicable to the degree unless these courses also are applicable to an approved graduate degree in the field or to some other already approved and established graduate program.

5.283. Course Approvals for Interdisciplinary Baccalaureate Degree.

Offering of the interdisciplinary baccalaureate degree will neither necessitate not justify the addition of courses in specific disciplinary areas. Addition of new undergraduate courses normally will be approved only on the basis of their direct relevance to another approved baccalaureate program, or to support an approved and active program in

another field. Exceptions may be made for newly authorized institutions which are utilizing the Bachelor of General Studies degree as the primary degree for serving the needs of students for baccalaureate studies.

5.234. Uses and Course Approval for Bachelor of Applied Arts and Sciences Degree.

(a) The institution will not represent itself as offering baccalaureate degrees in specific technical or vocational fields. It offers the Bachelor of Applied Arts and Sciences degree, with emphasis in some area of professional competence, such as teaching or management. The student's transcript will show the technical specialization brought to the program.

(b) Authorization for the degree is not justification for offering upper division courses in the technical fields. If this direction is intended, the institution should request approval of a degree program specifically in the technology.

(c) The degree normally should be offered without additional courses for the institution's inventory. Specifically designed courses for the degree should be thoroughly justified and will be considered in the usual manner for course additions.

Subchapter O. OFFERING OF SMALL CLASSES BY PUBLIC SENIOR COLLEGES AND UNIVERSITIES

Section
5.301. General Provisions.
5.302. Definitions.
5.303. Justification Codes for the Offering of Small Classes.
5.304. Consecutive Offerings of Small Classes.

5.301. General Provisions.

In compliance with Texas Education Code 51.403(d), the Coordinating Board sets forth the following guidelines for use by public senior colleges and universities for the offering of small classes.

(1) No small classes shall be offered in any institution except as authorized by the appropriate governing board within Coordinating Board guidelines.

(2) Each institution shall file with the Coordinating Board through its uniform reporting system a small class report, excluding individual instruction classes.

5.302. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Individual instruction classes -- Classes whose primary mode of instruction is practicum, independent study, private lesson, thesis, dissertation, or selfpaced instruction.

Organized classes -- Classes whose primary mode of instruction is lecture, laboratory, seminar, or group television instruction.

Small classes -- Undergraduate level classes with less than 10 registrations, and graduate level classes with less than five registrations.

5.303. Justificaton Codes for the Offering of Small Classes.

Small classes which meet the requirements for any one of the codes listed below may be authorized to be taught as small classes by the institution's governing board:

(1) required course for graduation (the course is not offered each semester or term, and, if cancelled, may affect the date of graduation of those enrolled;

(2) required course for majors in this field and should be completed this semester (or term) to keep proper sequence in courses;

(3) course in newly established degree program, concentration, or support area;

(4) interdepartmental (cross-listed) courses taught as a single class by the same faculty at the same station, provided that the combined courses do not constitute a small class;

(5) first-time offering of the course;

(6) class size limited by accreditation or state licensing standards;

(7) class size limited by availability of laboratory or clinical facilities; or

(8) voluntarily offered by a faculty member in excess of the institutional teaching load requirement and for which the faculty member receives no additional compensation.

5.304. Consecutive Offerings of Small Classes.

Consecutive offerings of small classes in two regular semesters covered by 5.303(1)--(3) of this title (relating to Justification Codes for the Offering of Small Classes) shall require an institutional review for the continuation of the course in the inventory of courses. Justification of the offering of such a course may be requested by the Coordinating Board staff.